

CONSULTATION AND COORDINATION

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This Billings Resource Area Resource Management Plan (RMP) was prepared by specialists from the Billings Resource Area Office, with assistance from the Lewistown and Miles City District Offices and the Montana State Office. Disciplines and skills used to develop this EIS were: vegetation and rangeland use, animal husbandry, recreation, climate, sociology, economics, geology, hydrology, soils, cultural resources, wildlife, fisheries, graphics, editing, printing, public affairs and typing. Writing of this environmental impact statement (EIS) began in October 1982 following a complex planning and data gathering process over the previous 18 months. The process included inventories of resources, public participation and coordination with other agencies. Consultation and coordination with agencies, organizations and individuals occurred in a variety of ways throughout this process.

PUBLIC INVOLVEMENT AND CONSULTATION DURING DEVELOPMENT OF THE DRAFT EIS

An active public participation process was conducted during the development of the draft EIS. Open houses were held in Billings and Lewistown, Montana and Lovell, Wyoming; news releases were sent to area television stations and newspapers; individual and group meetings with representatives of local organizations were held and a public notice in the August 26, 1980, *Federal Register* was used to focus public attention on the issues. Comments were also received from other Federal, state and local government agencies.

The major goal of the public participation process was to identify the issues the public wanted considered in the draft EIS. The procedure included mass mailing an issue identification brochure, requesting information on issues individuals felt should be considered in this process.

WILDERNESS COORDINATION MEETINGS

Coordination meetings were also conducted with the National Park Service (NPS) (Bighorn Canyon National Recreation Area) and the U.S. Forest Service (Custer and Lewis and Clark National Forests) to discuss the Bureau of Land Management's (BLM's) wilderness management proposals. The other agency plans were reviewed and BLM's Preferred Level Management Alternative is in keeping with those plans.

Wilderness proposals and the other issue areas addressed in this RMP were discussed with local and state officials. Public meetings to discuss wilderness proposals were held in Lovell, Wyoming and Billings and Lewistown, Montana during May 1982.

OTHER AGENCIES AND ORGANIZATIONS CONSULTED

The Billings RMP team consulted and/or received comments from the following during the preparation of the draft EIS:

Special Interest Groups

- Ada County Fish & Game League
- American Fisheries Society
- American Horse Protection Assn.
- Billings Motorcycle Club
- Billings Rod & Gun Club
- Bronco Exploration
- Leland Cade
- Center for Balanced Transportation
- Crow Indian Tribe
- Custer County Rod & Gun Club
- Defenders of Wildlife
- Environmental Information Center
- Fergus County Farm Bureau
- Fisheries Society
- Friends of the Earth

Humane Society of the U.S.
 Clarence Hunsucker
 International Society for the Protection of Mustangs &
 Burros
 Izaak Walton League of America
 Peter V. Jackson
 Laurel Rod & Gun Club
 Lewistown Chamber of Commerce
 Lewistown Rod & Gun Club
 Magic City Motorcycle Club
 Montana Automobile Association
 Montana Chamber of Commerce
 Montana Farm Bureau
 Montana Farmers Union
 Montana Geological Society
 Montana Power Company
 Montana Stockgrowers Association
 Montana Wilderness Association
 Montana Wildlife Federation
 Montana Woolgrowers
 National Audubon Society
 National Council of Public Land Users
 National Wildlife Federation
 Natural Resources Defense Council, Inc.
 Nature and Wildlife Society
 Donald M. Nettleton, Burlington Northern Railroad, Inc.
 Nevada Outdoor Rec. Assoc., Inc.
 Northern Natural Gas Ex. Div.
 Northern Plains Resource Council
 Old West Regional Committee
 Pacific Legal Foundation
 Public Lands Council
 Rainmarker Motorcycle Club
 Rimrock 4 by 4's
 Rough Riders, Inc.
 Sierra Club
 Society for Range Management
 Southeastern Montana Stockgrowers Assn.
 State Grazing District Assn.
 State Soil Conservation Committee
 Mike Stude
 TAP
 The Spoke Shop
 The Wilderness Society
 The Wildlife Society
 Trout Unlimited
 Wild Horse Organized Assistance
 Wild Horse Research Farm
 Wildlife Management Institute
 Wildlife Society
 Yellowstone Snowmobilers Assn.
 Yellowstone Valley Audubon Society
 Edward D. Zarytkiewicz
 Lovell Chronicle
 Western Energy Company
 Western Environmental Trade Association

Local, State and Federal Government Elected (as of October 1982)

L.M. Abner
 Earl R. Adams
 Alfred Bassett, Jr.
 Honorable Max Baucus
 R.E. Baumann
 Chet Baylock
 Esther Bengtson
 Oscar Biegel
 Big Horn County Commissioners
 Cecil Blackler
 Hubert Brabec
 William S. Brinkel
 James H. "Jim" Burnett
 Carbon County Commissioners
 Musselshell County Commissioners
 Chuck Cozzens
 Bruce Crippen
 Robert Dozier
 O.S. Ellis
 P.R. Esp
 Harrison G. Fagg
 William Fox
 Tom Hager
 Tom Hannah
 Mark Haynes
 Larry P. Herman
 Herb Huennekens
 Raymond Jeffers
 Thomas F. Keating
 Gerald R. Kessler
 Les Kitselman
 Ronald Kotar
 Curtis C. Kuehn
 Charles Lane
 Honorable Ron Marlenee
 Roy W. McCaffree
 Jean McLane
 W. Harold McLaughlan
 Honorable John Melcher
 Dick Mercer
 David A. O'Hara
 Ole Oiestad
 Earl Osse
 W.R. Patte
 Pete Plenty Hawk
 Jim Rannalls
 Ann "Pat" Regan
 Ezra G. Rickman
 Hershel M. Robbins
 Jeff E. Roberts
 Myron O. Skurdal
 Wes Teague
 J.J. Thoreson
 Tom Towe
 Joseph Vicars
 Wheatland County Commissioners
 Honorable Pat Williams
 J. Melvin "Mel" Williams
 David E. Wilson
 Calvin Winslow
 Yellowstone County Commissioners

State and Local Government Executive

Larry Budge
 Department of Community Affairs
 Department of Natural Resources & Conservation
 Department of State Lands
 Environmental Quality Council
 Andrew Eppler
 George Freeman
 Douglas Hart
 Kim Kuzara
 Montana Department of FW&P
 Montana Fish & Game Commission
 Montana Historical Society
 James Neely
 Office of B & BP
 Wayne Van Voast
 John Young

Federal Agencies

U.S. Forest Service
 U.S. Geological Survey
 Water & Power Resources Service
 U.S. Department of Commerce
 U.S. Fish & Wildlife Service
 U.S. Forest Service
 National Park Service
 Soil Conservation Service
 Thirteenth Coast Guard District
 U.S. Army Corps of Engineers
 Department of Transportation
 Environmental Protection Agency
 Federal Aviation Administration
 Federal Highway Administration
 Federal Housing Administration
 Library and Information Service
 Missouri River Basin Comm.
 Bureau of Land Management
 Bureau of Mines
 Advisory Council on Historic Preservation
 Bonneville Power Administration

Individuals

Over 325 individual livestock permittees were contacted for their views, as well as area schools, libraries, newspapers, radio and television stations and numerous individuals.



PUBLIC INVOLVEMENT AND CONSULTATION DURING THE DEVELOPMENT OF THE FINAL EIS

The draft EIS was filed with the Environmental Protection Agency on April 5, 1983. The notice of availability and a public hearing announcement were published on April 15, 1983 in the *Federal Register*. This notice announced a 90 day comment period commencing on April 15 and ending July 15, 1983.

Over 1,000 copies of the draft EIS were mailed to Federal, state and local governments, private groups and organizations and individuals for review and comment. News releases provided information on how to obtain copies of the draft. Formal public hearings were held in Lovell, Wyoming on May 31, 1983 and Billings, Montana on June 1, 1983. A BLM official presided over each hearing and three BLM representatives served on the panel. A court reporter recorded the hearings verbatim. A total of 49 comment letters were received during the 90 day comment period. Responses to these comment letters and the public hearings are provided in this chapter.

A consultation meeting with representatives of the Governor's staff for the State of Montana was also held on September 8, 1983 in Helena, Montana. The purpose of this meeting was to inform these representatives of the major changes in the final EIS and to assure consistency with state or local plans, policies or programs.

The Billings RMP team consulted and/or received comments from the following during the preparation of the final EIS:

SPEAKERS AND LETTER WRITERS

Speaker No.	Name	Comment No.	Meeting Location and Date
1	James Peters	1	Lovell, WY, May 31
2	Ron Serg	2	Lovell, WY, May 31
3	Hope Ryden	3,4,5,6,7,8,9,10,11	Lovell, WY, May 31
4	Daniel Henning	12,13,14,15,16,17, 18,19,20	Billings, MT, June 1
5	Georgia Frazier	21,22,23,24,25	Billings, MT, June 1
6	Clarence Pile	26,27	Billings, MT, June 1
7	Steve Charter	28,29,30	Billings, MT, June 1
8	Jeanne Charter	31,32,33,34,35,36	Billings, MT, June 1
9	Daryle Murphy	37,38,39,40,41,42	Billings, MT, June 1
10	R.L. Curtin	43	Billings, MT, June 1
11	Bob Tully	44,45,46,47,48	Billings, MT, June 1
12	Ed Dobson	49,50,51,52,53,54, 55	Billings, MT, June 1
13	Thomas M. Tully	57	Billings, MT, June 1
14	Verna Ratter	58,59,60,61,62,63	Billings, MT, June 1
15	Larry Field	64,65,66,67	Billings, MT, June 1
16	Mark Lenhardt	No Response Required	Billings, MT, June 1

Letter No.	Name	From
1	Richard A. Strait	National Park Service, Denver, CO
2	William G. Binnewies	National Park Service, Fort Smith, MT
3	John G. Wood	Fish and Wildlife Service, Billings, MT
4	D'Arcy P. Banister	Bureau of Mines, Spokane, WA
5	Richard D. Gorton	Corps of Engineers, Omaha, NE
6	Eley P. Denson	Bureau of Reclamation, Billings, MT
7	James F. Devine	Geological Survey, Reston, VA
8	John G. Welles	U.S. Environmental Protection Agency, Denver, CO
9	Gov. Ted Schwinden	State of Montana, Helena, MT
10	Dick Hartman	State of Wyoming, Cheyenne, WY
11	Carolyn R. Johnson	Natural Resources Defense Council, Inc., Denver CO
12	Charles J. Griffith	National Wildlife Federation, Washington, DC
13	Russell J. Gaspar	American Horse Protection Association, Washington DC
14	Chuck E. Hitch	Montana Public Lands Council, Billings, MT
15	John D. Smillie	Northern Plains Resource Council, Billings, MT
16	Bill Cunningham	Montana Wilderness Association, Billings, MT
17	James Phelps	Montana Audubon Council, Billings, MT
18	Hank Fischer	Defenders of Wildlife, Missoula, MT
19	Jim E. Richard	Montana Wildlife Federation, Bozeman, MT
20	Marcella Sherfy	Montana Historical Society, Helena, MT
21	Emily Stonington	Bridger Environmental Education Program, Bozeman, MT
22	Daryle R. Murphy	Sierra Club, Billings, MT
23	Henry E. Reed	Meridian Land and Mineral Company, Billings, MT
24	J.R. Mitchell	Atlantic Richfield Company, Denver, CO
25	Alice I. Frell	Rocky Mountain Oil and Gas Association, Inc., Denver, CO
26	John D. Wells	Minerals Exploration Coalition, Denver, CO
27	Ron Sieg	American Colloid Company, Belle Fourche, SD
28	Richard T. Hughes	Chevron U.S.A., Inc., Denver, CO
29	Hope Ryden	New York, NY
30	Kay Bedford	Roundup, MT
31	Mary F. Brower	Roundup, MT
32	David Y. Arbenz	Helena, MT
33	Clyde A. Bray	Laurel, MT
34	Melissa L. Tuemmler	Great Falls, MT
35	Kirk Robinson	Bozeman, MT
36	Robert D. Haring	Billings, MT
37	Paul F. Berg	Billings, MT
38	Victor Ballek	Worden, MT
39	DeAnne Harbaugh	Hamilton, MT
40	Dorothy E. Palmer	Hamilton, MT
41	Fern Hardy Laughery	Billings, MT
42	Patricia Oertli	Billings, MT
43	James A. Pickard, O.D.	Wolf Point, MT
44	Max Bauer, Jr.	Missoula, MT
45	Mrs. Eileen Schmidt	Roundup, MT
46	Michael K. and Phyllis J. Wells	Bozeman, MT
47	Gordon and Mary Ann Gildroy	Roundup, MT
48	Bob Chamberlin	Billings, MT
49	Michael J. Haaland, D. V.M., and other concerned citizens	Billings, MT

The Lovell and Billings Public Hearings transcripts and the letters received during the 90-day comment period have been reprinted in this chapter. The numbered bracketing (1-392) in the left hand margin corresponds with the appropriate response. Our responses to all oral and written comments follow the reprinted letters.

Transcripts of Public Hearings

BUREAU OF LAND MANAGEMENT

IN RE:)
DRAFT ENVIRONMENTAL IMPACT) PUBLIC HEARING
STATEMENT FOR THE BILLINGS)
RESOURCE AREA MANAGEMENT)
PLAN)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for hearing at the Lovell Park Visitor Service Center, Lovell, Wyoming, on May 31, 1983, commencing at 7:00 p.m., before Mr. Dan Stark, Hearing Examiner.

PROCEEDINGS

MR. STARK: I'd like to start this hearing now.

My name is Dan Stark, and I am the Hearing Examiner.

Let the record show the time is now 7:00 p.m., May 31, 1983, at the time and place for this hearing.

I would like to explain how I will conduct this hearing tonight. The subject of tonight's hearing is a draft environmental impact statement for the Billings Resource Area Draft Management Plan. The Bureau of Land Management prepared the EIS as required by the Federal Land Policy and Management Act of 1976. It is one of 144 that BLM was directed to prepare as a result of a court suit brought against BLM by the Natural Resources Defense Council.

The way we will receive testimony on this EIS is this: I will call forward in the order that you were registered, or have registered, those individuals who desire to give testimony. If you will then come forward and stand over at the podium here where I am and speak your name so the court reporter can make sure that he has it, and you may then proceed with your statement. If you have an extra copy of your oral statement, we would appreciate a copy of it. If you have any written statement to present, just leave it with the reporter.

After you have concluded, I will ask this group

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to my left, if there are any questions about your testimony, to feel free to ask you questions. The panel, whom I will introduce in a minute, will be responsible for seeing that your comments that deal with the analysis of the draft EIS will be fully considered in the final EIS, which will be published this fall.

The panel is composed of Mr. Jim Beaver, Mr. Carl Hedrick, Mr. Jay Spielman. These gentlemen are staff specialists with the Billings Resource Area who helped prepare the EIS. The panel is here only to clarify points in your testimony that they don't understand. They will not cross-examine, and I have instructed them that they will not answer questions. This hearing is not a forum for BLM to explain its program, but rather an occasion for the public, yourselves, to state for the record its observations on the adequacy of BLM's work on the EIS thus far. It is my understanding that the BLM staff will remain available after this hearing to clarify any points about the EIS that need explanation. I ask that you avail yourselves of that opportunity.

It is also important to note that written testimony will be received on the draft EIS until July 15th. Written testimony will receive the same considerations as any testimony given at this hearing.

Are there any questions on our procedures?

4
1 Fine. I would like to have the list of the names
2 so far. Mr. James T. Peters, National Park Service.

3 MR. PETERS: Do you want me to come up there?

4 Most of the issues that the National Park Service
5 would wish to have addressed were covered in the letter
6 that we mailed to you earlier, and I don't think there is
7 any need to reiterate those because they have already been
8 entered into the record, I believe.

9 I do have a number of questions, but I think
10 they should probably wait until the end. Is that correct?

11 MR. STARK: That's correct.

12 MR. PETERS: We wonder how the BLM would
13 maintain existing wilderness values, while confining
14 present use and management somewhere in the plan. Some-
15 where this statement was made.

16 I guess that's a question, too. That's probably
17 the only comment that I would make in addition to what
18 has already been entered.

19 MR. PETERS: Thank you, Mr. Peters.

20 Is there any other person here who would like
21 to give testimony?

22 If not, I would like to declare about a ten-
23 minute recess in case some other people might show up.

24 UNIDENTIFIED SPEAKER: I do know of some other
25 people coming. Hope Ryden, they called about twenty

2
cont.

6
1 moved a little bit to the east to accommodate these claimants,
2 take them out of the roadless area.

3 MR. STARK: Is there anyone else wishing to
4 make a statement at this time?

5 Ms. Ryden, are you prepared?

6 MS. RYDEN: My name is Hope Ryden, and I am
7 a wild horse enthusiast. I really have just questions that
8 I want to be sure are reviewed before any decisions are
9 made on these alternatives that have been proposed.

10 One of the questions I have is the starting point
11 of this is that the wild horse population will be limited
12 to 121. Now, this has been based on two factors, and those
13 factors have been the overall forage production, which I
14 might dispute, but I am not in such a good position to do
15 that as I am to dispute the wild horse consumption rates.
16 You have calculated this rate of consumption to be 1.25
17 conversion for cattle. That's the ratio that has been
18 used.

19 Now, I would like to point out that the National
20 Academy of Science's Committee on the Study of Wild Horses
21 and Burros reported in their first-phase report and in
22 their final report that that is a very high conversion
23 rate, and if I could read, but I can't read in this light,
24 maybe I could if I had glasses, forage consumption rates
25 and animal unit equivalents--well, they state here that the

5
1 minutes ago and they will be here.

2 MR. STARK: Let's make it about a twenty-minute
3 recess then. We will just recess for twenty minutes.

4 [Recess.]

5 MR. STARK: It is now 7:30. I would like to
6 call the hearing back into session. And we will call the
7 people in the order as they are signed in to give their
8 statements.

9 Mr. Ron Seig.

10 MR. SEIG: My name is Ron Seig. I am with the
11 American Colloid Company. I just have a few comments to
12 make. American Colloid has had mining claims for many
13 years in the area in Carbon County that was discussed in
14 the plan as was addressed in your EIS. What we would like
15 to do is make certain that in your final draft statement,
16 or your final statement, that you address the right of
17 mining claimants to mine, drill, haul, and reclaim the lands
18 that they have held for many years under the operations.

19 In particular we are concerned with Section 34
20 of Township 9 South Range 26 East which in the plan is
21 proposed as an area closed to off-road vehicle use.
22 American Colloid Company desires to make it clear in this
23 final EIS that this area or this designation has no
24 bearing on these valid mining claims, and we request that
25 you might consider the boundary and whether it couldn't be

7
1 suspicion has existed that the standard procedure for
2 calculating animal unit equivalents may be inappropriate
3 for horses, and the accepted definition of an animal
4 equivalent unit, AUM, is 455 kilograms cow or her
5 equivalent, and to convert among animal species, one merely
6 divides the body weight of the animal in question by a
7 factor of 455.

8 Now, they have used much more sophisticated
9 methods enhanced by metabolic body weights and so on,
10 and they come up with a different conclusion. The differ-
11 ences or similarities between horses and cattle occupying
12 a common range, those indicate that on the average the horse
13 consumed about fourteen percent more forage dry matter
14 than did cows, not twenty-five percent more.

15 So given this, I see then in all your alterna-
16 tives that you are limiting the horse herd to 121 animals,
17 I think it is, by calculating these AUMs in the old way,
18 but the National Academy of Sciences has reviewed all the
19 literature and all the latest literature, and if you would
20 do your calculation properly, this range could support
21 152 horses. That's the number one point.

22 Now, I won't have to read that so I will get up.
23 And, also, if you would like to know where you can find
24 more information on that, that's in the National Academy
25 of Science Wild Horse and Burro Committee review of all the

of all the literature, and it is on page 27, first-phase report.

I notice there weren't very many differences between the continuation and the preferred alternatives. The principal one was the manipulation of the sex ratio to reduce the two to one mare-stallion imbalance, and, of course, this is something that I have been proposing for a long time. Ever since this balance was skewed so badly when sixty male animals were removed and given away, this balance became so skewed that the sex ratio favored a high reproductive rate. It is obvious why. If you have more reproductive animals in a herd, you are going to have more offspring.

What I worry about here, I do believe that it is a very serious situation that you have let this herd get that skewed the wrong way, and that is one of the reasons you are having such a high reproductive rate, but I hope you are not suggesting a ratio less than fifty-fifty. If you got it down to fifty-fifty, you would not have the gross imbalance in favor of females that you now have. And that should not be too hard to do and it should solve a part of the problem that we have about how many roundups there are.

A related point is how you wish to go about perpetuating the characteristic of the Pryor Mountain

The draft refers to the designation as reducing management options. Well, what options, and what does their elimination mean? This hasn't been spelled out.

So I really would like somebody to respond to those questions.

I contacted a number of congressmen and senators to get an opinion on the compatibility of the wild horse refuge with a wilderness designation and I got a very definitive letter from Senator Scoop Jackson, who said that there is no incompatibility. As far as he's concerned, this is a wild horse refuge and if anybody at any date suggests that the wilderness designation alters that, to be sure to let him know.

The draft proposes to construct seven miles of fence, and that's on page 35. Two miles of this would be for capture operations. I would certainly like to know why this is being done and where it is being done and how much it costs and is it really necessary.

Also, it proposes five new water catchments. Now I was up on the mountain today and I have looked at a water catchment on Barnt Timber Tillotson Ridge for a number of years and I never see it with any water. Last year it was in tatters. One year I thought, oh, goodness, somebody has forgotten to turn the water on and I turned it on and I was almost arrested for having done that. But that tank

Wild Horses, and I do think that the wild horses have been doing a very good job of perpetuating their own characteristics. The best way is to let them do it, and to not limit the gene pool. The more animals that are removed, the tighter the gene pool, the more inbreeding occurs.

The wild horses have done a very good job of getting a lot of color back out there, and I suppose the best thing that you could do is those horses that you do remove ought not to be the best ones in every case because what you would then leave would be the worse ones and eventually you would not have a very attractive looking herd.

The high level management alternative seems to me to contemplate too much active manipulation of the animals, and I'm not sure that's what you meant, but I hope that you aren't suggesting that you truck animals around and you push them here and fence them there, because that will certainly detract from the wild, free-roaming aspect of this herd that is so attractive and is what a wild horse herd is all about.

I'm very concerned with the wilderness designation. On page 116 the draft refers to long-term significant impacts in the event the Pryor Mountain is in fact designated wilderness, as BLM has recommended. Well, I would like to know what are these impacts and how they affect the wild horse proposals.

up there has been devoid of water--the taxpayers paid for this. Now what in the heck are you talking about, five more catchments when you won't even turn the water on in the one you have?

It also suggests the acquisition of 2,040 acres of state and private land for the refuge. Well, I'm for enlarging the refuge. I don't know what land you are talking about, though, and I think that we need to know more about that, too.

So that's about all I have to say, and I really would like to get a response on some of these questions from somebody. Thank you for letting me make a statement.

MR. STARK: Well, thank you for coming.

Do we have any more? That being the case, there being no more statements being read or someone has handed some in, I will declare this hearing closed, and hopefully you will stay around long enough to discuss some of the issues that are brought up with the people from the staff. We can answer some of the questions. Some of the questions will have to be studied, and, of course, will be answered in the final document.

With that, we will close.

(Whereupon, the hearing in the above matter was concluded.)

BUREAU OF LAND MANAGEMENT

IN RE:)
 DRAFT ENVIRONMENTAL IMPACT) PUBLIC HEARING
 STATEMENT FOR THE BILLINGS)
 RESOURCE AREA MANAGEMENT)
 PLAN)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for hearing at the Ramada Inn, Billings, Montana, on June 1, 1983, commencing at 7:00 p.m., before Mr. Dan Stark, Hearing Examiner.

PROCEEDINGS OF THE BUREAU OF LAND MANAGEMENT
 PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE BILLINGS RESOURCE AREA MANAGEMENT PLAN
 JUNE 1, 1983

PROCEEDINGS

MR. STARK: I'd like to bring this hearing to order now. My name is Dan Stark, and I am the hearing examiner. Let the record show that it is now 7:02 p.m., June 1, 1983, time and place established for the hearing.

I would like to explain how I will conduct the hearing tonight. The subject of tonight's hearing is a draft environmental impact statement for the Billings Resource Area Draft Management Plan. The Bureau of Land Management prepared the EIS as required by the Federal Land Policy and Management Act of 1976. It is one of 144 that BLM was directed to prepare as a result of a court suit brought against BLM by the Natural Resource Defense Council.

The way we will receive testimony on the EIS is as follows. I will call forward in the order that you register those individuals who desire to give testimony. If you then will come forward and stand right where I am at here at the podium and speak your name to the court reporter so that he can make certain it is in the record, you may then proceed with your statement. If you have an extra copy of your oral statement, we would appreciate it. If you have a written statement to present, just leave it with the reporter.

The panel, whom I will introduce in a minute, will be responsible for seeing that your comments that deal with the analysis in the draft EIS will be fully considered in the

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PROCEEDINGS OF THE BUREAU OF LAND MANAGEMENT
 PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE BILLINGS RESOURCE AREA MANAGEMENT PLAN
 JUNE 1, 1983

final EIS, which will be published this fall. The panel is composed of Jim Beaver, Mr. Carl Hedrick, and Mr. Jay Spielman. These individuals are staff specialists from the Billings Resource area which helped prepare the EIS.

The panel is here only to clarify points in your testimony that they don't understand. They will not cross-examine, and I have instructed them that they are not to answer questions. This hearing is not a forum for BLM to explain its program, but rather an occasion for the public to state for the record its observation on the adequacy of BLM's work on the EIS thus far. It is my understanding that the BLM staff will remain after the hearing is concluded to clarify any points in the EIS that you would like to discuss. I ask that you avail yourself of that opportunity.

It is also important to note that written testimony will be received on the draft EIS until July 15th. Written testimony will receive the same consideration as any testimony given at this hearing.

Are there any questions you may have? Fine. I would like to call Mr. Daniel N. Henning.

DR. HENNING: My name is Dr. Daniel N. Henning, and I am a resident of Billings here and member of a number of environmental organizations.

First of all, I would like to ask several questions to this particular hearing, and specifically, as I read in the

12

1 paper tonight it was on public land sales, I believe in
2 yesterday's paper, and, you know, as well the EIS in general,
3 but the announcement in the Billings Gazette did say public
4 land sales. So this is a point I will be speaking to within
5 this context.

6 At any rate, first of all, I would like to ask the
7 costs that have been involved in all this public land sales
8 stuff. Not only locally, but nationally. People say, okay, we
9 are going to make money for the government and all that.
10 Well, if you look at most of your time that is being spent
11 by the BLM, I think we are talking about millions of dollars
12 and I think we are talking about hundreds of dollars for this
13 area here. And taking time away from valuable, wise resource
14 management that the BLM personnel should be doing because of
15 a political order from Watts.

16 What I am saying here, it is costing the American
17 taxpayer a bundle of money to go through this planning,
18 I would say quite frankly, I teach public administration, I
19 know pretty much the field, and I would say your top priorities
20 have been on this, and this is a terrible waste of government
21 manpower that we as taxpayers are paying for. And also
22 equipment and this type of stuff.

23 The second question I would like to ask, they infer
24 in the assets management program there is a lot of management
25 costs. We are going to reduce management cost by selling these

PHOTO BY MICHAEL J. HARRIS / AP Wirephoto

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1 little isolated parcels, you know. Well, for most them, BLM
2 is not managing them. Maybe God is managing them, but the
3 BLM sure isn't. One of my friends was out at Park City the
4 other day--he lives out at Park City--and a couple of BLM
5 guys came around and said, hey, where is this one area at,
6 we can't find it. They finally pointed out that it was a side
7 of a cliff, straight down. How much money has the BLM spent
8 on managing that side of a cliff as well as other parcels
9 in most cases they have never been out to? I mean, nature
10 takes care of itself. And before the BLM was ever on the
11 face of the earth, the land managed itself. In fact, that's
12 probably a misnomer because the Bureau of Land Management
13 really doesn't manage land. What happens is they just
14 decide what other people are going to do to it. When they
15 start arguing for management plans and all this sort of
16 stuff, what they should frankly admit, if they are going to
17 be honest, they decide who is going to do what, not manage-
18 ment themselves.

19 At any rate, the big point here is that there is
20 no management cost for most of these "isolated" parcels
21 here and there.

22 The third item, and don't get me wrong, I happen
23 to like ranchers. I'm from Ohio originally. If I wasn't a
24 professor, I would be a rancher. One thing I would like to
25 raise here is the point on this public land sales, there was

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1 a secret memorandum in the Reagan White House Administration.
2 I got it smuggled out by the environmentalists. It said
3 if we have public land sales, there is going to be three
4 groups that will oppose it. One will be the environmentalists.
5 Of course, because they oppose everything. The sportsmen
6 because they are going to see their public lands being stolen
7 away. But thirdly the ranchers because they are going to
8 have their 160 acres they have been leasing for years bought
9 up by some speculator, and then they have a lot of critiques
10 about it and it still is there.

11 So what the story is that the Reagan Administration
12 secretly then decided, okay, we are going to back off,
13 we are going to back off a little bit, and we will go ahead
14 and supposedly get the ranchers on our side by giving the
15 preference over land near their areas. That might work for
16 a bit. But for most ranchers, they haven't got the money
17 to buy all this land. Particularly if they go for \$100
18 minimum market value.

19 And so my whole point is, one, I don't feel that
20 any rancher should have preference over any other American
21 citizen. In fact, I don't think the land should be sold to
22 begin with. And if anything, I think the ranchers actually
23 save a lot of money by leasing it the way they do now and
24 it will cost them a bundle, plus it will open it up
25 dangerously for a lot of foreign speculators and people--

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PHOTO BY MICHAEL J. HARRIS / AP Wirephoto

1 against the public interest.

2 So what I say here is that land is still valuable

3 even if it might be forty acres here and there, put several

4 of those forty acres together and give them to a rancher for

5 a few acres down by the river or some reservoir or whatever.

6 The whole point is it is taking land away from the American

7 public that could be used for recreation; particularly

8 around Billings. Around Billings we will get more and more

9 pressures, recreational pressures, and that land is valuable.

10 We say it is not valuable now, but it will be valuable as

11 we get bigger and bigger. I hope Billings doesn't get any

12 bigger, but it seems to be growing.

13 A fifth item is basically I feel this whole

14 process, including the RIS and public land sales, is too

15 confusing for the public. I mean a lot of you ranchers

16 might know where exactly this is at and that sort of stuff.

17 I used to be a wilderness ranger and I was lost for four

18 and a half days. You people, I'm sure can find it. And

19 you know where a lot of this stuff is at, at least around

20 your area. But for the average member of the so-called

21 Montana area around here, we don't know. And how we can

22 speak with intelligence on all those little goody areas

23 just like when they have the wilderness program with the

24 BLM, like area No. 432, area No. 461, you know, nobody knew

25 what they were talking about. It was a big farce. What we

1 thing. And this is probably one of the biggest points in

2 this regard. What they are trying to do now is to get through

3 the approval of criteria, to get through the approval of

4 criteria for say these 5,000 acres, and then they can start

5 bringing in hundreds of thousands of acres. Then they can

6 start bringing in the speculators and then they can start

7 bringing in the people that are from out of state or foreign

8 corporations which Watts encourages to really buy up a lot of

9 your lands. And what happens then? The ranchers can't

10 compete. And if we approve this criteria here for selling

11 public lands, we are opening the door for wholesale murder,

12 I think.

13 In this regard I might mention there is overwhelming

14 public support for public land sales. This is one of the

15 things. Here we have a public hearing and we got here mostly

16 ranchers, a few people that might be--couple environmentalists

17 I noticed as they walked in, Bill Prior is at all these kinds

18 of meetings. The whole point is where is the public beyond

19 people that might have some special interest in buying the

20 land or defending it a little bit?

21 But the big point here is that why doesn't the

22 BLM, if it really wants to know, conduct a public survey?

23 Ask Billings people how they feel about selling their public

24 lands. You know what they are going to say? They are going

25 to say, bug off, don't sell them. These are public lands

1 need, quite frankly, are public administrators that will make

2 a lot of these supposedly wise land management plans that

3 don't confuse the public. As it is now, I mean I got

4 professor friends of mine, they can't even understand half

5 this stuff or where it's at. How many people have time

6 beyond their actual work, beyond what they do, to really

7 get down and sit down with that study area and drive out to

8 all these things with a pickup and that sort of stuff where

9 the BLM guys can't find it. How are we supposed to make

10 intelligent comments?

11 Therefore, I say there is a vacuum. It is not

12 really being a democratic process in this sense because it

13 is just too confusing.

14 Now, that's why I say another thing will happen.

15 Whenever you start selling public lands and the government

16 is involved, there will be corruption. Just like with the

17 coal sales. There is corruption as heck in the coal sales.

18 And what's going to happen I think when they really throw

19 a lot of this stuff open, it will be bad news. Because there

20 is going to be too much stuff going on whenever there is

21 stuff up like this for grabs.

22 The sixth item is basically under the Federal

23 Policy Act of 1976 that the BLM operates under, it is my

24 definite opinion that you have to do this for each parcel.

25 You just can't drop them that way or just do it like a blanket

1 that somehow over the years we fought for them and by gosh

2 they belong to the public. Now we have a crazy man, Watts,

3 as Secretary of the Interior now, and he will sell us down

4 the tube. He's already leased things for one hundred years

5 and he is going for 200, and we are paying three and a

6 half cents a ton for coal.

7 My whole point is here that because we have

8 somebody that is a screwball up there who is not a

9 Secretary of Interior and has no business holding that

10 position, how we can let him do this kind of assets

11 management is crazy, really. It's insane.

12 My whole point is the public doesn't want it.

13 They are not here tonight because they figure you guys

14 should know better, maybe, and the whole implication, and

15 I'm not blaming you because you guys are doing your job

16 and I know BLM people, a lot of them try to do very good

17 work, but the point is that the public doesn't want it.

18 These are their public lands that they have had for

19 centuries now, and they don't want them ripped off.

20 Okay. On the EIS, I will probably make the

21 general remark, I don't understand the specific questions

22 I have asked, maybe some accounting for how much money was

23 spent by personnel and other stuff, I would probably make

24 the general statement in just glancing through it, one

25 problem I'm trying to finish up a book by June 15th, but I

1 will say whatever I have glanced at, looked at, it is simply
2 too detailed. The Natural Resource Defense Council, when
3 they got this suit around, they don't want all this kind of
4 stuff. All they wanted you to do is improve the grazing
5 lands, improve the BLM lands. They didn't want all this
6 sort of stuff. I think it could be a lot simpler. Keep
7 maybe some appendix like you got there, but I think you could
8 do a very simple thing that would just be a few pages.
9 They are doing this with EIS's now. They used to be that
10 thick and now they are going down and down.

20

11 So on the EIS, one, I would say it is too
12 detailed and complex, unless you were some kind of an expert
13 in a particular area to really make intelligent comments on.

14 I would say, overall, I am totally objecting to
15 the public land sales, as you probably gathered.

16 MR. STARK: I would like to call Georgia Frazier.

17 MS. FRAZIER: My name is Georgia Frazier. I
18 represent as President the nearly 500 members of the
19 Yellowstone Valley Audubon Society in town and out of town.
20 It is a local chapter of the National Audubon. And one of
21 our concerns is land use policies of the various units of
22 government. This is obviously one of them.

21

23 The first thing I want to comment on is the
24 wilderness study units in the EIS, the draft environmental
25 impact statement. We recommend the Big Horn Tack-on transfers

23
cont.

1 BLM has nothing to say about this, in turn the fact should
2 influence land sales and exchanges. It may be that isolated
3 tracts in the vicinity of population centers, such as
4 Billings, should not be disposed of at all. BLM isolated
5 tracts may well be like islands in the ocean insofar as
6 the wildlife is concerned. That such parcels are difficult
7 to administer should not be the controlling factor. One
8 such is the site north on Highway 87. Adjacent to the
9 highway it is an administrative problem, but the whole
10 valley of mixed private and public lands is important to
11 antelope, as well as sage grouse and sharpshins.

24

12 We were slightly confused in the EIS that wildlife
13 programs were not considered important enough to be analyzed,
14 but wildlife management is a major concern in the draft
15 EIS. Habitat is the key to the whole business. If this is
16 not available, wildlife and recreational values decline
17 accordingly.

25

18 Thank you.

19 MR. STARK: I would like next to call Mr.
20 Clarence Pile.

21 MR. PILE: Mr. Chairman, I, too, like the
22 doctor previous, I thought this hearing was in regard to
23 the land sale. Could you say whether there would be a
24 specific hearing later on that would concern that directly?

25 MR. STARK: Well, I don't think there will be a

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cont.

1 to the jurisdiction of the National Park Service. It is
2 adjacent to Big Horn Canyon National Recreation Area and is
3 divided from the Pryor Mountain Wild Horse Range as well
4 as the proposed Pryor Mountain Wilderness by a rough
5 semblance of a road on its west border. This is a useful
6 dividing line and eliminates artificial boundaries.

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7 It should make administration easier. We recommend the
8 Twin Coulee, (MT-067-212), Pryor Mountain (MT-067-206),
9 and Burnt Timber Canyon (MT-067-205) for wilderness.

10 The recommendations for Twin Coulee and Pryor Mountain
11 follow the "high level management alternative." Our position
12 is for 3,430 acres for Burnt Timber Canyon, following the
13 "preferred level" alternative. Twin Coulee is on the
14 southeast flank of the Snowy Mountains, in Golden Valley
15 County, with attractive scenery, interesting geology, and
16 other supplemental values. The adjacent Forest Service
17 lands are being studied under Rare II for wilderness.
18 As is known, this may change, but we recommend the BLM
19 study areas for wilderness as outlined above as long as
20 the options are likely to remain open.

23

21 We can support sale or exchange of BLM lands
22 only when it will benefit the public and the public interest.
23 Our preference is for exchange rather than outright sale.
24 Hundreds of thousands of acre land has been broken to the
25 plow in the last few years in eastern Montana. While the

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1 specific hearing as to the land sales. I think this EIS
2 did address the potential sale for disposal, for exchange,
3 of some lands, what they call the bubble area. Now, as
4 far as that goes, discussion of the sale of the lands is
5 germane to this hearing. So if you wish to make the state-
6 ment, fine.

7 MR. PILE: My name is Clarence Pile and I am a
8 rancher in Greycliff, Montana. I was specifically
9 concerned with the BLM land sale because I read continual
10 reports in the paper that small, isolated tracts are being
11 designated for sale, and since I lease some of those small,
12 isolated tracts, I am deeply concerned in that regard.

13 I ask one question, whether you people know how
14 those small, isolated tracts came into being? You see,
15 back in the homestead days that land was free, it was
16 given to those people for nothing, and these small isolated
17 tracts are those pieces that were so totally worthless
18 that nobody wanted them when they were free, and now
19 suddenly they have acquired a very sizable value, which
20 scares me completely.

21 The doctor said in the beginning the one up
22 by Park City was a rocky cliff. Some of ours are rocky,
23 bare hillsides with no water that nobody wanted. So they
24 just left them sit there. Well, then, later on the
25 Bureau of Land Management decided to lease them to the

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1 ranchers. They are part of our ranch. We use them, but I
2 do not feel that we get the same amount of use off of some
3 of those areas that we do off of other parts of our ranch,
4 but, nevertheless, we do use them and we do pay rent for
5 them.

6 The reason I am scared is because of the
7 figures that I keep hearing tossed around, \$100, \$150 an
8 acre. You see, when you talk about a small isolated
9 tract, maybe forty acres or 120 acres, that isn't so bad,
10 but when you lease several of those that might total up to
11 600 or a thousand acres, you are talking about a fairly
12 sizable tract.

13 I would ask, is there anyone here in the
14 audience, I'm not asking you to brag, that could sit down
15 tonight and write me a check for \$150,000 out of your
16 checking account?

17 You see, that's what this land sale might
18 involve. I don't know whether I can borrow that much money
19 or not. Maybe I can, but when you talk about a sum like
20 that, you are talking about maybe fifteen to \$20,000 in
21 interest alone. Well, you know, that takes quite a chunk
22 out of my annual income.

23 So I am very, very concerned about it from that
24 standpoint, and I would ask that somehow or other this
25 thing be evaluated very closely, appraised, whatever, for

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1 prevent it from being plowed and a lot of other things,
2 I agree with that, but this out there is hardly an island
3 for wildlife. There is nothing on that BLM that is going--
4 living that is going to survive. There is probably on a
5 given Sunday, there is probably one hundred people out
6 there shooting in every direction.

7 On parcel of BLM we actually fenced at our own
8 expense to keep the cattle off of it, and we continue to
9 pay lease on it but we don't get any use out of it at all.

10 And the present situation is not multiple use
11 because we can't run cattle with the level of activity
12 out there, and I'd say the damage done is a disgrace.
13 As far as being public land, I don't think the general
14 public would want that. It is a few people that do that kind
15 of damage, and I don't think that's what the general public
16 wants for its land.

17 And I think it is a joke to tolerate this kind
18 of out and out destruction and then to tell ranchers not
19 to overgraze. Not that ranchers should be overgrazing,
20 but I think neither should be allowed.

21 We don't agree with Secretary Watts general policy
22 to sell off public land, but we do think these small
23 parcels that are unmanageable, that something should be
24 done. I would say if they weren't sold, that maybe a
25 possible trade or something like that should be worked out.

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cont.

1 its worth; that it should not be a flat figure just because
2 there are so many acres out there and it is worth so much.
3 I think each tract of land deserves a special look.

4 That's about all I can say.

5 MR. STARK: Thank you, Mr. Pile. Our next
6 person giving testimony will be Mr. Steve Charter.

7 MR. CHARTER: My name is Steve Charter. We
8 ranch north of Billings. We have two units. One is along
9 Highway 87 north of Billings, and the other unit is in the
10 Bull Mountains, and I would like to speak on two separate
11 subjects. One is the land sales, and the other is the
12 proposed coal swaps.

13 On our place along 87 we have several small
14 parcels of BLM lease that is mixed in with our deeded
15 land, and the present situation with these small parcels,
16 these particular parcels of ours is intolerable to us,
17 and I think it should be intolerable to the general public
18 because of the littering, shooting, vandalism, and the
19 destructive use of off road vehicles, which the BLM is
20 either unwilling or unable to control, and trespass onto
21 our property from the BLM is impossible to stop, and I
22 will bet probably 5,000 people have told me, oh, I thought
23 this was BLM, and maybe it isn't their fault, they get a
24 map, they can't read and there is BLM out there and so they
25 just assume all is. I'm real sympathetic to what the lady
from the Audubon was saying about maybe the BLM would

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1 But these parcels on us, I think the present situation
2 just can't go on.

3 These BLM parcels are intermixed with our
4 deeded property, and if we lose them, it will make our
5 deeded land, some of it, unusable for grazing. Some of it
6 lies a quarter section kitty-corner with another section.
7 If that was fenced out, it will make portions of our ranch
8 unusable to us. All we could afford to pay for this land
9 would be grazing land prices, because that's what we use
10 it for. We wouldn't be able to compete with land
11 speculators.

12 We understand that the BLM has the authority to
13 make direct sales, and that's how we feel these parcels
14 should be handled. I guess you might call it the old code
15 of the west is you don't buy or sell land out of the middle
16 of somebody else, and we admit this is breaking down as
17 land speculators dominate the scene, but we also don't
18 think it should be the business of the federal government
19 to be missing up family farms and ranches.

20 And the other subject, with the Burlington
21 Northern coal swaps in the Bull Mountains, we are opposed
22 to the swapping of coal with the BN and its subsidiaries.
23 We can't see how a trade would benefit anyone but the
24 company. They already own many billions of tons of coal
25 in Montana, and they have too much influence on development

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right now. Why should the federal government help them consolidate their holdings further? Why give them so much power? How does this benefit the public?

While it increases the railroad's potential for monopolistic profits, the Powder River coal sales are making everyone suspect that Interior is putting private profit first. Swapping coal with BN's enormous advantage would prove it. We and other ranchers in the Bull Mountains lease a considerable amount of land from the BN with our deeded acres. Any move by the federal government to give the railroad more control and more power would make it much more difficult for us to stand against the railroad's projects.

The federal government should back policies that support the family farm and ranch and not monopolistic corporations dominating coal or agriculture.

Thank you.

MR. STARK: Thank you, Mr. Charter.

MR. CHARTER: I guess maybe I might add one comment as far as the draft impact statement itself. I found it kind of confusing and a little hard to follow just trying to read it. Thank you.

MR. STARK: Our next speaker will be Jeanne Charter.

MRS. CHARTER: I am Jeanne Charter and I have a

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give you a copy of it. You didn't do it yourself in terms of what was opposition, and it looks like kind of an unworkable situation up there, unless the idea is to just pressure people into caving in. Consolidated Coal owns one ranch up there and they are a big piece of interest, but I don't know that that--they really meet the qualification of local opposition or interest in strip mining.

Another point that's a little smaller but for us it isn't real small, you mention a railroad spur into there would probably be uneconomical, even if you lease coal because they are so expensive. I think that's probably true. If there were a spur built up Fatty Creek or Half Breed Creek, it would cause a tremendous amount of impact on the farms and ranches up there. If instead they truck-haul coal out of say a 300,000 ton mine a year, I don't think that's a minor impact.

I have got some friends that live in Appalachia in Kentucky and I visited them once and those county roads up there are--there is coal hauling trucks running on them night and day, and in a rural agricultural area, it would make a big difference on what it was like to run a stock. They are not fenced roads, and we pay the taxes and in Appalachia they aren't even licensed. I don't know if it would be that bad in Muschelshell County, but they aren't licensed in Kentucky. They just run on free.

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few comments. We thought we would split it up. Mine are all about the proposed leasing of coal in the Bull Mountains, and our first question is back on the impact statement being rather confusing, what is it that you propose to lease? One place in there you say ninety-five odd hundred acres and then it goes down to 3,242 acres, and then later you say that all that would be distributed would be 357 acres. And we would like you to put what you are talking about doing on a map so we know what we are up against. There is nothing in there that is specific, and we think something that would affect us very seriously, we would like something a lot more concrete on leasing proposals.

My second question is what would be significant landowners' opposition? In the impact statement it says if there is significant opposition, you won't lease in an area. From your survey of landowners requests, what I see on it there were thirty sections where landowners, like Steve said, it is checkerboarded so Burlington Northern owns the rest so we can't say we have got it all, we lease half of it. Thirty sections opposed it and a few that were subdivided. There are four and a half sections of landowner owned property that were in favor of large scale leasing, and that seems to me to be significant opposition.

I mapped out on your map how that lies. I will

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CONT.

Even if they paid their taxes, it wouldn't be a small impact on an area like ours.

And the last point is you say in there that your preferred level of leasing is based on "after consideration of cumulative impacts to other resources and social and economic benefits." You say that, but you never explain specifically how you arrived at leasing everything that surface owners hadn't specifically opposed. I think you should have to explain how you come up with that idea. What I see is the positive benefit would be you could--you mentioned you could hire twenty-five people to run some of these mines. The negatives of it are there is a lot of landowner opposition. You admit there is probably significant ground water impact. We are very dependant on springs in our country. There would be a lot of rural disruption, and I think you discount the difficulty of reclamation much too fast. Even people point to Colstrip as being a success. We kind of watch that because we are worried we would get stuck with it. We sure wouldn't want to have to run cattle at a profit off of what they have got down there.

Thank you.

MR. STARK: Thank you, Mrs. Charter.

I would like to call Mr. Daryle Murphy.

MR. MURPHY: Thank you. My name is Daryle Murphy.

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1 and I am representing essentially two organizations. First,
2 the Yellowstone Basin Group of the Sierra Club, and, second,
3 Montana Wilderness Association.

4 I believe I will start with some general comments.
5 First of all, I don't think it is possible to do an
6 adequate evaluation of the draft EIS in such a relatively
7 short time. It is quite detailed, as a previous gentleman
8 mentioned, and I think perhaps it may even be difficult
9 to do a complete evaluation by the time of July 15.

10 However, regarding land sales versus land
11 acquisitions, some of the ranchers who have spoken have
12 pointed out the impacts land sales could have upon them.
13 One interesting statistic that is included in the EIS is
14 that the greatest dependency upon BLM leasing, leasing
15 of BLM lands by ranchers, is on the smaller operators,
16 and the larger the ranch, the larger the corporation,
17 the less dependence on BLM lands there is. Therefore,
18 those that would be greatest impacted are the ones that can
19 probably stand it the least.

20 I would support land exchanges if they were
21 carefully studied and represented a sensible consolidation
22 of BLM lands in the public interest with as little impact
23 as possible on the landowners adjacent to the land exchanges.

24 I should tell the gentlemen on the panel here
25 that I will have some detailed written statements at some

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cont.

1 National Forest. In my conversations with the BLM people
2 in the Billings Resource Area, the primary reason that is
3 given for leaving that particular road open is for
4 administrative purposes having to do with management of
5 the wild horse herd. Apparently there is a horse trap
6 on--near adjacent to that road.

7 Management of wild horses would not be precluded
8 by designation as wilderness. There is provision in the
9 Wilderness Act for even vehicle traffic if it is necessary
10 for management of an area.

11 Incidentally, one of my pet peeves is that
12 ranchers--I guess it is not a pet peeve against ranchers
13 but against some people who are not informing them of the
14 facts--wilderness designation does not eliminate grazing
15 at all. Grazing is allowed in wilderness areas.

16 Back to the additional area, which is not
17 recommended for wilderness in the EIS, is the Big Horn
18 Tack-On. The southern portion of it which Georgia
19 mentioned should be considered for an addition to the Big
20 Horn Canyon National Recreation Area. I would support
21 that. I think it is an excellent idea. I suspect the
22 Big Horn Canyon Recreation Area people would support that.

23 Regarding wilderness for that as an additional
24 alternative, in my discussion with Homer Rouse, who is
25 the superintendent of the Big Horn Canyon Recreation Area

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1 future date prior to July 15th.

2 The remainder of my comments are involved with
3 the wilderness study areas included in the draft EIS.
4 First of all, one of the ones not recommended for wilder-
5 ness is the Twin Coulee area which Georgia Frazier had
6 mentioned previously. I would like to express the support
7 of myself and the Montana Wilderness Association and the
8 Yellowstone Basin Group of the Sierra Club for designation
9 of the Twin Coulees area as wilderness. I have been in
10 communication with people from Lewistown from the Twin
11 Coulee area and also with some of the people in the Montana
12 Wilderness Association who specifically asked me to support
13 this as wilderness. As many of you may know, it is contiguous
14 to a national forest service, Lewis and Clark National
15 Forest Wilderness Study Area which was not recommended for
16 wilderness in RARE II. There is also substantial support
17 for designation of that area as wilderness, despite the
18 previous recommendation.

19 The wilderness in the Pryor Mountains, there is
20 the Pryor Mountain Wilderness Area and the Burnt Timber
21 Canyon Wilderness Area, both of which are recommended in
22 the draft for wilderness designation. I would like to
23 support that with consideration given to closing the
24 Tillotson Ridge Road which was originally recommended in
25 1973 in joint land use recommendations of the BLM and Custer

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1 in Fort Smith, he indicated to me they would very much like
2 to see that area designated as wilderness, the southern
3 portion of the Big Horn Tack-On, due to its being contiguous
4 to their recommended wilderness area in the Big Horn Canyon
5 National Recreation Area.

6 In addition, Dr. Henning had mentioned earlier
7 about--I am changing the subject here--about a parcel of
8 BLM land that represented a side of a cliff. I would like
9 to indicate that that does not necessarily mean it would
10 not have significant value. It could be very valuable
11 from the standpoint of wildlife habitat, especially with
12 some kinds of animals that may use that as nesting sites.

13 I think that pretty much covers the oral
14 testimony I need to give at present. As I said, I will
15 supply a written statement well prior to the July 15th
16 deadline.

17 Thank you.

18 MR. STARK: Thank you, Mr. Murphy. I would like
19 to next call R. L. Curtin.

20 MR. CURTIN: I am in the same position of Mr.
21 Fife and I didn't really understand what the meeting was to
22 be about. I have a driveway to my property that crosses
23 a piece of BLM land that I am leasing. I guess my biggest
24 concern is whichever way they decide to go, I would like to
25 have the option of either purchasing, if that's the way it

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cont.

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goes, or keep my lease as it is, because it is quite necessary to my operation to have the drive--I mean it is the only way to get to my place, let's put it that way. And it has been that way for a hundred years. The place had been homesteaded and it has been that way for years. I would like to have the opportunity, whichever way it goes, I would like the opportunity to keep that piece of property.

That's about all I got to say.

The statement, the draft, I agree with the rest, is a little bit complicated for me. That's about it.

MR. STARK: Okay. Mr. Bob Tully.

MR. TULLY: Good evening. My name is Bob Tully. I'm a rancher from the Bull Mountains near Roundup and I rise this evening, I must admit, in extreme prejudice in opposition to some of the recommendations portended in this environmental impact statement.

I will confine my comments to the issue of coal leasing and/or sweeping.

First of all, could I have a show of hands, how many here consider themselves the public?

Okay. How many here are BLM employees?

MR. STARK: It is very difficult for the court reporter to do that and I don't think that's a part of the statement.

MR. TULLY: Okay. I think my point is well taken.

Revised 02-01-1982, 02-01-1982, 02-01-1982

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are in a glut of electricity, we are in a glut of petroleum, we have a glut of natural gas. We have more energy resources producible today than we know what to do with. And it is causing our electricity bills, for example, to sky rocket, paying for unnecessary thermal generating plants that were built in the era of the '70's when, as I say, some people in industry, some people in government, and unfortunately apparently too many people in public life, believed that this dire necessity was in fact a necessity. I think history and time has shown this to be a grave error and the taxpayers are paying for it.

There are a number of conditions that I will refer to from this study booklet, and mind you this is the result of the government's own work, and these are conclusions made by employees of the federal government determining what should or should not be done with publicly owned resource values in my neighborhood.

It makes a contrast between the coal, for example, in the Bull Mountains and the coal in other areas of the Fort Union formation. The quality of the coal is admittedly, in this study, of very little significant difference as to btu content. However, it does recognize that the coal resource is extremely limited with regard to its production per acre disturbed. In fact, because of the physical

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I would like to ask a question then of the BLM and any of the public who are informed, how many of you are familiar with this--

MR. STARK: Sir, we are to listen to your statement, but we are not allowed to answer questions.

MR. TULLY: It will take more time then. I have in my hands study reports done at great effort by the Bureau of Land Management concerning the Buffalo Creek and Bull Mountain coal fields project. Back in 1973 when a good many people, informed or brainwashed, still believed that there was in fact such a thing as an energy crisis, these booklets were published after a great deal of work by the BLM determining that in fact, despite the belief at the time of the immense brownouts, freezing in the dark, and all of the other catchword phrases that we were exposed to by development proponents, the BLM at that time came up with their considered judgment to the effect that coal leasing in the Bull Mountains was neither advisable or necessary. And I challenge the Department of the Interior and the Bureau of Land Management to tell us now what compelling changes in conditions obtain today that did not obtain in 1973 when a lot of us were exposed to a great deal of baloney concerning how badly America needed energy development.

Anyone who reads the newspapers today knows we

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layout, if you will, of the coal seam throughout the high ground in the Bull Mountains, the recoverable coal would be reflected by a narrow band like a layer in a cake, surrounding the perimeter of the coal field. And it compares very poorly with other coal fields in the Fort Union area.

For example, they have a somewhat inflated figure for the production per acre from the potential coal fields in the Bull Mountains. It is given at some 17,700 tons an acre. By actual history of experience in a test pit excavated by Consolidated Coal Company back in 1971, the recovery was \$36,000 tons in six acres, as opposed to their projected \$9,000 tons from six acres. You do the arithmetic and you tell me who is right.

Further, the study goes on to contrast the recoverable stripable ratio contrast between three, at least three other major coal fields in the Fort Union area. One of them is Decker, one is I believe Ashland, Birney, and so on, where they have much thicker seams of coal. The ratio average for Montana Fort Union as a whole is three to one overburden to recovery.

In the Mammoth Rehder in the Bull Mountains the ratio is 6.7 to one. That's not too good a good deal as far as recovery goes concerning the total acres damaged by the activity.

I would like to leave, and I understand the

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1 court reporter has trouble with questions. I don't expect
2 a good answer, but the question I would leave with the
3 gentlemen from the Department of Interior, is what has
4 changed in ten years other than the fact we have more
5 energy than we know what to do with today. What has changed
6 to so compellingly cause them to change some of their
7 information, switch some of their facts, and switch their
8 conclusion and recommend to one of now leasing 9,000
9 plus acres of coal in the Bull Mountains? I would really
10 like to have an answer. I really don't think they are going
11 to give me one.

12 Thank you very much.

13 MR. STARK: Thank you, Mr. Tully. Mr. Ed
14 Dobson.

15 MR. DOBSON: I'm Ed Dobson. I live here in
16 Billings. I'd like to say a little bit about several of
17 the aspects of the plan before us. A lot of what I
18 would like to say has already been said better by a lot of
19 other people. I will start with the lands themselves
20 and the sale and so on. I think one of the biggest
21 problems we have with management of BLM lands is the
22 nuisance factor, and Steve Charter pointed that out pretty
23 well. If you are going to deal with public access in an
24 area such as we have here in central Montana with small
25 tracts of land surrounded by private land, I think the

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1 solution isn't to simply try to get out from the management
2 prerogatives, even under the guise of raising a little
3 money for the treasury, I don't think the sale of these
4 lands is going to benefit either Montana or the local
5 landowner in the long run. I think, first of all, we need
6 to look at more sound management practices so we can cut
7 out the nuisance value on those lands as experienced
8 by people who live out there.

9 Of course, Mr. Curtin pointed out some of the
10 problems he might have with access and so on if this
11 land is lost. He's got a real good point. Unless he can
12 be assured that he's going to have the kind of access to
13 other property, his property generally, and not suffer from
14 the loss of uses from the sale of this land to some other
15 party, we can assume it would be some out of state party,
16 that's where most of the money is coming from, if not out
17 of the country. The best way to deal with this is not
18 to simply throw the baby out with the bath water, but let's
19 get hold of the management of these lands in such a way
20 and we can solve these problems.

21 And start with regulation. The second step
22 would be to look at the exchange possibility. I don't
23 think we need to sell any of these lands, but if it would
24 help somebody on a private land to not have a piece of
25 public land right in the middle of them and maybe he's got

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1 a piece on the edge with a border with somebody else
2 that might work better, be kind of like a better place to
3 put a power line on private property is right down the
4 boundary, not right across the middle of the whole field
5 or irrigated alfalfa or any place else where it will
6 disrupt the operation, but I don't beyond exchanges
7 where it will benefit the landowner and hopefully benefit
8 the public, maybe through exchanges we could have access
9 to areas that are not in the way of ranch operations and
10 where we could benefit wildlife and the public user, I
11 think exchange is the best way to go and it needs to be
12 looked at on a case by case basis.

13 Now, the coal, I'm totally against this swap.
14 From what Mr. Tully pointed out, and, of course, I have
15 known about that for some time, to me the first I heard of
16 it it seemed like it had to be a joke. It is a pretty
17 cruel joke. It looks as though we have got a Secretary
18 of the Interior who is just determined to make anybody
19 miserable who has ever expressed any concern about the
20 values and resources we have on the surface of the land
21 here in Montana. That's the only reason I could see for
22 putting up the coal in the Bull Mountains for lease again,
23 would be just to make somebody uncomfortable who happens
24 to be sitting on top of it.

25 Now, if Congress had wanted railroads to have a

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1 block of land, they would have given it to them in the
2 first place. I don't think that Interior can or should
3 try to get around this, especially understanding the intent
4 of the surface owner protection provisions that we have
5 for the landowner now, which Congress passed knowing fully
6 about the checkerboard ownership patterns. The intent of
7 Congress clearly is to protect the surface owner in this
8 regard, and if they had wanted railroads to have a block of
9 land, they would have given it to them. They wouldn't
10 have said, Interior, you go out there and exchange all of
11 this once we get it given away or sold, or however they
12 disposed of it. Of course, railroads disposed of a lot of
13 surface and kept minerals. That's another ball game.

14 Now, the wilderness, I'd like to see all the
15 areas you have identified as wilderness study areas go into
16 the system. I use these areas. I like them. In a way it
17 is good to have areas where people can go and not have
18 to inquire and not be bothering somebody else to go on
19 their place. In the case of some of the wilderness
20 study area we have here we have grazing permits on it.
21 It is a good idea to know what kind of problems you might
22 get into if you get out there in somebody's permit area
23 and deal with that.

24 It is also good to have land set aside in a way
25 we can keep it like it is. I think the only way we will

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1 get to see these landstay as they are is to put them into
2 the wilderness system. For example, up there in Twin
3 Coulee. One of the ideas why we can't put that in the
4 wilderness is because we have some oil shale leases up
5 there. Might have some mining of oil shale.

6 We seen what happened down in Colorado where
7 Exxon and some other companies pouring millions and
8 millions into oil shale development, and then suddenly
9 the price of crude goes down and pulls the rug out from
10 under them and they abandon the whole project down there.
11 Turned thousands of people out into the street. No jobs.

12 I think it is folly to simply write off an area
13 for its wilderness potential just because you have some
14 oil shale development up there in the future. Especially
15 when the Wilderness Act itself says you can mine. You can
16 mine in wilderness areas.

17 Now, I know a lot of people don't like that
18 about the idea, gee whiz, it is wilderness, how come you
19 came mine in there? But that's the way the Act reads.
20 You can do that. That maybe a little bit more difficult
21 for you to develop the claim in a situation where it is
22 wilderness, but the fact is if the value of the resource
23 is there, money will be there, the money will be there
24 to develop that. And maybe it is better off for all of us
25 to have enough restriction on the development when it does

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1 MR. TULLY: I would like to make a short
2 statement. Tom Tully. I'm from the Bull Mountains as well.
3 I would like to say I think it is totally ridiculous to
4 consider leasing any land in the Bull Mountains for coal
5 leasing or lease any coal in the Bull Hills given the
57 6 present market conditions for coal in Montana, Wyoming,
7 elsewhere in the country. And, also, I'm totally against
8 any kind fo a land swap with Burlington Northern as far as
9 coal leasing.

10 That's it.

11 MR. STARK: Thank you. The next person to give
12 testimony would be Verna Ratter.

13 MS. RATTER: I really don't know if the South
14 Hills have been discussed because I came in late. I
15 was at another meeting.

16 I'm from Cedar Park Subdivision. We adjoin the
17 South Hills where the dirt bikes and the four-wheel drives
18 reign supreme.

19 We are wondering, we the people in the South
20 Hills, wonder why BLM is in violation of their own federal
21 public land of noise nuisance and wildlife protection
22 and erosion protection in the South Hills? They are letting
23 dirt bikes and four-wheel drives just completely take it
24 over and the erosion is very plain to see. You can see it
25 just--you don't even have to go up in the hills to see it.

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1 come by having it in the wilderness. They are going to do
2 it anyway.

3 I agree with the wilderness designation for
4 Pryor, Burnt Timber Canyon. I want to encourage you to
5 go ahead. I think the idea, if you have a horse trap in
54 6 there that you are worried about, you can go ahead under
7 the management options, not only the agency can use
8 motorized access in a wilderness area, but under certain
9 conditions, a permittee can use motorized access in a
10 wilderness area as well. There is no problem with that
11 under the right conditions. It can be done. So we got to
12 deal with this on a case by case basis as well.

13 I would like to see the Big Horn Tack-On
14 go into the wilderness. If it improves the management to
55 15 have it go into the park, then let's take a look at that,
16 but I don't mind to see it maintained in the BLM if it goes
17 into wilderness. It is something that should be looked
18 at in greater depth.

19 Finally, I would like to see the wild horse herd
20 managed at a lower number of animals to get the forage
56 21 back to a better level than it is now. I would like to
22 see them kept under a hundred.

23 Thank you.

24 MR. STARK: Thank you. Our next speaker is
25 Mr. Thomas M. Tully.

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1 We also would like to know why BLM can't--or
2 they admitted they can't administer or control the four-
3 wheel drives and the dirt bikes that are up there right now,
59 4 and when I went through the booklet, I couldn't really see
5 too much in there that said that they were going to improve
6 the situation or even if they were planning on doing
7 anything.

8 Another thing there is supposed to be marshals
9 that we were supposed to be able to call because our local
10 police department is very good about coming, but they
11 can't do anything on federal land. We have to have two
12 witnesses, plus we have to have a federal marshal there.
13 Well, by the time we call a federal marshal, if you can get
14 one, so far they have either been out of town, they have
15 been sick, or their phone has been disconnected. We have
16 never been able to get a federal marshal.

17 So, therefore, you can't get any help really.
60 18 Like I say, if they are off the federal property, the local
19 police departments have been helpful, but they really can't
20 do anything when they scoot over into the federal land,
21 and we can't do anything about it.

22 The city or other places, rather, around the
23 city have been closed because of the acknowledged nuisance,
24 noise, and just plain--well, nuisance I guess and abuse by
61 25 the bikers and the four-wheel drives. We are wondering why

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the South Hills can't be closed.

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If they do decide to have some new regulations, we were wondering who is going to enforce them, since they have nobody to enforce them now. Making rules is fine, but if you don't have anybody to enforce them, you might just as well forget it because they aren't going to do any good.

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And we also would like to know why the homeowners, the homeowners, mind you, are responsible when--I will admit the Billings Motorcycle Club helped us put up the fences and they have in the past helped us maintain them, but now when the fences are out, they use wire cutters, they carry those as standard equipment, if they don't have the equipment to just break through the fences, they cut them. But when they are cut, we are responsible to fix them.

My husband and I recently spent five hours up there in the hills fixing fences and I have pictures at home of them before we fixed them. The posts were broken down, wires were out, big cable taken down. We spent five hours up there fixing fences. We came home. We didn't even have a chance to take off our dirty shoes. My neighbor called and said, did you see what happened? Where we had fixed it, there were some four-wheel drives and dirt bikes going through. They had already cut them.

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grow up south of Laurel, and I'm going to speak on the proposed sale of the land or exchange of the land.

I was farm raised. I have a degree in biology. So between the two, I think, you know, I have some idea of what is going on in nature.

I enjoy outdoor activities. I belong to several outdoor organizations that I won't mention because I'm not representing them. I'm here as a concerned citizen. We do have a problem with landowner-recreationalist conflicts, and the more public land we lose, the more conflict we are going to have, and this will close more public lands and therefore compound the problem.

Personally, I am totally against the sale. Number one, my understanding of public land is that it belongs to us. I personally own roughly one two hundredth millionth of that land. Nobody has come to me and asked me if I want to vote to sell it. As far as I'm concerned, before that land can be sold, they should hold a national referendum vote and let the people who own that land say if they want it sold or not.

I agree with Dr. Henning the swap for equal value is a good idea. Several of the ranchers that have commented here have stated this land doesn't have much value, but it does have value. So what if we have to give one hundred acres of low-grade grazing land for one good acre of river

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STATE OF MONTANA, v. STATE OF MONTANA

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I mean, there is no supervision. There is no nothing up there. I think if you can't control it, then close it.

We used to have deer walking down our roads. You don't see deer there any more. The wildlife flowers are almost non-existent also. BLM, as far as I have been able to understand, is supposed to protect the property and I don't think they are. I don't think they have the means, and if they don't have the means, I think they should just absolutely close it up, leave it to the people who are on foot. It is a very nice area. There are a lot of joggers up there. I like to walk up there. We don't walk in the summer, it is too dangerous, the bikes and four-wheel drives will run you over. The people who do run run early in the morning before they are out if they can get there early enough. We just feel that they should be closed.

MR. STARK: Thank you, Mrs. Ratter.

The next person to give testimony is Mr. Larry G. Field.

MR. FIELD: My name is Larry Field. First, I didn't come here intending to speak. I didn't prepare an outline or anything. So while listening to these people, I threw together some sloppy notes here that I will go through.

I would like to say that I am farm raised. I

access? To me it is worth it. Swap the land so the public has somewhere to go. Don't get rid of the land.

All right. Now, I may have been misinformed. I have been reading the newspaper, and that's always not a reliable source, but as far as the money goes, I have heard talk of using this money from this sale to pay the national debt. Why? Why pay the national debt with the money? That land is ours. If they sell it, if they are going to sell our land, why do they get to keep our money? If they are going to sell the land, I say don't pay the debt of the big spenders in Washington. Let them start managing the money they get to spend. Give us our money, or take our money from this sale and buy public land with it in places where recreationalists can use it.

Again, as Dr. Henning said, this sale may be a big farce to begin with because it is probably costing more than what we will get out of it if this thing does go through.

Now, trespass. As I said, we are getting more and more recreationalists. These people seem to have more and more time to go out and enjoy their activities and hobbies, but yet there is being more and more private land closed which puts more people with more time on less land and is causing greater conflicts with the ranchers.

I can understand the ranchers' problems. I grew

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up on a ranch. My dad had a dairy cow shot right in his barn, obviously not by a recreationalist, or not what I view as a recreationalist.

As far as I'm concerned, people who own land have absolute sayso over their land. If they own it, they own it. But we have enough public land in this state that if people are allowed access to public land, and as one of the ranchers stated, a lot of times the public is misinformed or doesn't know where public land is, well, I feel the BLM should have to post signs or print signs just like poster signs, like the "No Hunting" signs you see, only these signs should say, "BLM Land" or "National Forest Land," and these signs should be posted around the perimeters of the land so recreationalists know what is private land.

Let's say it is decided that this has to be sold. We have talked about \$100 an acre, fair market value, no value depending on whose point of view it is. How can we determine a value? That is one way. That is to sell it by auction. I don't think the rancher should have first choice. Why this land belongs to all of us. If we are going to sell it, let's do it right and auction it. That will determine a value. But keep in mind if you are going to bid on this land or if this land is going to be sold, these tracts that we are talking about, the vast majority of them are totally surrounded by private land. So if you

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buy that land, and you are not the rancher that owns land around it, you are also going to have to buy access. Now, as far as I'm concerned, this is the edge that the ranchers should have and deserve. They won't have to, if they bid against another bidder, if I'm bidding on it, I have to also figure in, okay, I'm going to have to pay this rancher something to get access through. He has that much advantage over me in the bidding. And I feel he should have it, but I feel that's enough advantage. I don't feel he should be the sole purchaser, the sole person given the right to buy it.

Now, my last thought is I wonder how many people in this room, not counting BLM employees, are in favor of selling this land?

My other last thought is, and I'm not going to obviously ask them, I wonder how many of the BLM employees are actually in favor of selling it, because I'm sure they like to use recreational land too.

Thank you.

MR. STARK: Thank you, Mr. Field.

The next person to give testimony is Mr. Mark Lenhardt.

MR. LENHARDT: I just kind of want to make a couple of comments on the South Hills area. I'm here representing the Billings Motorcycle Club. Originally, I

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know a couple years ago when this EIS study was put together the homeowners and the BLM was brought together at the BLM for their input and hopefully to work up a solution to solve the problem out there. And there were duties assigned to each party, and I understand the BLM kept a pretty accurate record as far as how each party carried through on their original agreement, and I don't think the homeowners group quite followed through like what was originally agreed to as far as fencing. I know from the access side the BMC did erect a fence and to this date the fence is still standing and has not been torn down.

One more comment. As far as the sheriff, it is also my understanding to file a complaint all you have to do is have a license number and be willing to testify that you actually saw the party in the vehicle. I could be wrong there. This is just what I have been told, to bring charges, and I don't know up to this date of anyone bringing a charge against a four-wheel drive vehicle out there that is destroying property.

And to the wildlife, I ride out there every Friday night and I think a Friday night has ever gone by that I haven't seen at least half a dozen deer out there. They have been there for a hundred years and we have been out there for fifty or sixty years, and everybody still seems to be getting along in pretty good harmony.

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And I guess my last comment I would like to compliment the BLM on recognizing a need for recreation on BLM ground, and hopefully designating an area for ORVs to have access to some area.

MR. STARK: Thank you, Mr. Lenhardt.

Mr. Lenhardt is our last person giving testimony. Is there anybody here that would like to give testimony that has not given testimony?

That being the case, I would like to remind everybody that our panel of experts and that number of Bureau of Land Management people who may be in this audience, after we break up, are here to answer questions you may have and hopefully try to answer some of them in a way to clarify some questions.

It is important to note that your written testimony will be received up until July 15th, if you want to further amplify what you have already said. Again, it will be received and given the same consideration as that given tonight. I think it is important that you do give this testimony, either as you have tonight in an oral manner, or as written testimony.

I certainly appreciate everybody being here.

UNIDENTIFIED SPEAKER: If we do turn in written testimony, do we send it to the local office?

MR. STARK: Local office here. I think the

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1 address where to send it is right in the draft. There are
2 copies of that in the back.

3 Are there any questions at all?

4 UNIDENTIFIED SPEAKER: What address, sir?

5 MR. BEAVER: 810 East Main, Billings.

6 MR. HENNING: One question. Is there going to
7 be any attempt to have a regular public survey with a
8 questionnaire that would supplement particularly like on
9 public land sales to really find out what the public is
10 thinking beyond us here?

11 MR. STARK: Well, as you said, this is the first--
12 this is a formal hearing.

13 MR. HENNING: Are we going to have a survey of
14 the people in the Billings and surrounding area, like a
15 statistical survey, public opinion survey, so they really
16 know what is happening?

17 MR. STARK: I doubt seriously that we have the
18 funds to go into a census like going out and requiring a
19 survey like for elections and whatnot. You might want to
20 discuss that after we close the meeting with the Area
21 Manager, who is present.

22 Are there any other questions at all?

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23 MR. TULLY: (Bob) How do you propose to justify
24 and rationalize what has been decided now in the face of
25 180 degree different recommendation of ten years ago? You

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1 do not refer to it in this study as far as I can read.

2 It has not been referred to. It is kind of bypassed. How
3 do you intend to justify what is now proposed when something
4 different was proposed ten years ago?

5 MR. STARK: You are Mr. Tully?

6 MR. TULLY: That's right.

7 MR. STARK: Mr. Tully, that is something you
8 should discuss after this meeting. This is to give testimony
9 as opposed to a question and answer period. It is a
10 required method we do under the EIS system. There are
11 other opportunities to have the discussion type thing with
12 the personnel.

13 MR. TULLY: Will the answer be given publicly?
14 Will everybody have an--

15 MR. STARK: It will be published with this very
16 document.

17 With this, I think I will close the hearing.
18 And I have twenty minutes after 8:00. Thank you all for
19 coming.

20 [Whereupon, proceedings in the above matter were
21 concluded.]

Letters from Interested Public

1-1



IN REPLY REFER TO
17617 (RMS-PC)

United States Department of the Interior
NATIONAL PARK SERVICE
ROCKY MOUNTAIN REGIONAL OFFICE
655 Park Street
P.O. Box 9387
Denver, Colorado 80225

JUL 8 1983

BILLINGS RA
JUL 5 '83
DATE
AM. 8:00 AM
BY: J. RAY
TO: J. RAY
SUB: J. RAY
FILE: J. RAY
ACTION: J. RAY

Memorandum

To: Project Manager, Billings Resource Area, Bureau of Land Management, Billings, Montana
From: Associate Regional Director, Planning and Resource Preservation, Rocky Mountain Region
Subject: Review of Draft Environmental Impact Statement and Resource Management Plan for Billings Resource Area, Montana (RMS 83/17)

The National Park Service (NPS) has reviewed the subject document prepared by the Bureau of Land Management (BLM) and has the following comments, particularly concerning the proposal as it may affect the Bighorn Canyon National Recreation Area, National Natural Landmark sites, and the Yellowstone River.

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We continue to have questions about the BLM policy of differing recommendations for wilderness or non-wilderness designations under different alternatives. The proposal for wilderness designation for all four wilderness study areas (WSA's) in the Billings Resource Area under the High Level Management Alternative is contradicted by the proposals for recommending non-wilderness designation for all or parts of the WSA's under the other alternatives. This again appears to be a strategy of tailoring recommendations for designation of WSA's around a particular management alternative, rather than determining the suitability or non-suitability of the WSA's and designing management strategies around them. We believe the latter to be a more prudent course of action which would more effectively determine which WSA's are suitable for wilderness designation.

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In that same light, we must question the rationale behind the recommendation that the Big Horn Tack-On WSA not be designated as wilderness under the Preferred Level Management Alternative. Page 164 states that non-wilderness designation "would allow the development of other resources which could significantly impact visual resources over the long term." We would be interested in knowing what "other resources" this statement refers to, since page 145 mentions no mining claims for this WSA and indicates that "mineral potential is unknown and suspected to be low." Further, if there is a risk of significant visual impacts, which seems doubtful, we would prefer not to see such impacts introduced into an area where they would likely have adverse effects on both Bighorn Canyon National Recreation Area and the Pryor Mountain WSA.

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We are also puzzled about the statement on page 131 that the Big Horn Tack-On WSA "contains wilderness values, but the location of portions of the unit near the Bighorn Canyon National Recreation Area reduces overall wilderness quality because of outside sights and sounds." Since the Bighorn Canyon National Recreation Area has been recommended for wilderness designation, as noted on page 98, we do not believe that "outside sights and sounds" would constitute a significant threat to the wilderness values of the Big Horn Tack-On WSA. As a matter of fact, we believe that without the Big Horn Tack-On WSA, the NPS wilderness proposal would be greatly diminished. Without the WSA, all that would remain would be a very narrow strip of land which by itself meets only the minimum requirements as a wilderness area. In this regard, since the Pryor Mountain WSA and most of the Burt Timber Canyon WSA are recommended as suitable for wilderness under the Preferred Level Management Alternative, we fail to see the logic in separating them from each other or from the Big Horn Tack-On WSA. By considering these three WSA's as one, we believe that an excellent case can be made for recommending them as suitable for wilderness, thus creating a contiguous unit with the Bighorn Canyon National Recreation Area and the Lost Water Canyon WSA in Gutter National Forest. Separation of the Big Horn Tack-On WSA and recommending against its designation as wilderness appears to us to create unnecessary administrative and management problems, especially in light of its configuration and location between two WSA's which are both recommended for wilderness designation.

70 cont.

Our second major concern is with the proposed wild horse surplusage procedure. Page 6, section E, states that "anticipated budget allocations will not permit a continuous and timely excess program." Page 39, under the preferred alternatives section, mentions that the 121-head figure is viewed as a "median" figure to be maintained over the short term (8 years). Literally interpreted, this infers that the herd could be allowed to build to a size considerably in excess of the 121 head for a few years as long as it did not exceed 121 animals over an 8-year average. It is our opinion that allowing the Dryhead herd to exceed even the 121-head figure is currently supports for a few years would subject the already overused range to an unacceptable level of abuse. The accompanying reduction, in order to achieve the 121-head 8-year average, would have to be equally severe. In other words, we feel a yearly horse excessing program is essential. The horse range lands located within Bighorn Canyon National Recreation Area are subordinate to recreational needs, and range management must be intensive in order to maintain recreational values.

71

On page 24, under the low level management alternative, in the second paragraph under Wild Horse Management and Recommendations, you stated that 7,695 acres including the Sorocodon extension would not be available for wild horse use. We believe that the 7,695 acre figure should be rewritten to include all NPS lands within the horse range. We suggest

72

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72 cont.

responding to state that under a policy of totally unregulated wild horse use, no NPS lands could be included because that use by its destructive nature would be contrary to our management mandates and could not be allowed.

73

Thirdly, in reference to oil and gas leasing, it appears that the horse range may not be adequately protected from leaseable and locatable mineral development. Any related activity of this sort would seriously detract from the aesthetic properties essential in a horse sanctuary. NPS lands lying within the horse range are closed to mineral entry and disposition under the U.S. Mining Laws to include the mineral leasing acts. Page 37, under Land Tenure Adjustment, the Resource Objectives and Recommendations section, identifies 50 acres of land to be withdrawn from mineral leasing. No mention is made of National Natural Landmark areas such as the Bridger Fossil Area or the Crooked Creek Natural Area. Would these and other sensitive cultural sites receive protection from surface degradation linked to various forms of development and use? This does not appear to be the case from our review.

The following is a complete list of National Natural Landmark (NNL) sites within the Billings Resource Management Area.

Big Horn County (3)	Status
-Cloverly Formation Site	Designated (11/73)
-Devils Canyon and Karst Features of the Northern Big Horn Mountains (Montana and Wyoming)	Potential
-Crooked Creek Natural Area	Designated (7/68)
Carbon County (3)	Status
-Bridger Fossil Area	Designated (11/73)
-Big Ice Cave	Potential
-Crooked Creek Karst Canyon	Potential
-Foster Gulch Coal	Potential
-Granite Peak Glaciers (Park Scillwater)	Potential
-Pryor Mountain Limestone Cuestas	Potential
-Red Dome	Potential
-Red Valley, Southern Pryor Mountains	Potential
Scillwater County (1)	Status
-Granite Peak Glaciers (Carbon, Park)	Potential
Sweetgrass County (2)	Status
-Crazy Peak-Big Timber Creek	Potential
-Stillwater Ultramafic Complex	Potential

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74

Project planning and implementation of a selected alternative should consider these sites and avoid impacts which would adversely affect the ecological and geological features of these areas. Further information can be obtained from Ms. Carol Madison, National Park Service, Rocky Mountain Region, P.O. Box 75287, Denver, Colorado 80225 (phone: 303-733-6443).

75

A statement relating to air quality on page 53 is in error. Bighorn Canyon National Recreation Area is classified as a class II clean air area under the Prevention of Significant Deterioration (PSD) requirements of the Clean Air Act.

76

The subject draft should state that the Yellowstone River from the Yellowstone National Park boundary to Pompey's Pillar is a stream segment which is subject to Section 5(d) of the Wild and Scenic Rivers Act (P.L. 90-542). This factor should be considered in any federal planning report which addresses a 5(d) river segment.

77

Finally, a very minor point, but your land status map shows a 160-acre parcel formerly the Ruth-Aldrich property as privately owned. This parcel was purchased by the NPS several years ago.

We thank you for the opportunity to review and comment on your plan. It is a comprehensive document and should serve as a useful guide for the future management of the natural resources under your care.

Richard A. Stratt
Richard A. Stratt

2-1



IN REPLY REFER TO:

A3915

May 27, 1983

Jerry Jack, Area Manager
Billings Resource Area
Bureau of Land Management
810 East Main
Billings, Montana 59105

Dear Jerry:

Having reviewed the Billings Resource Area Resource Management Plan, we find our comments focus primarily on the wild horse range management and wilderness issues.

78

We strongly recommend that you reconsider including the narrow strip of land bordering the NPS proposed wilderness known as the Big Horn Tack On in your wilderness recommendation. We feel that without the Big Horn Tack On our parcel's value is greatly diminished since all that would remain would be a very narrow strip of land which by itself meets only the minimum requirements as a wilderness area. The disjunct, northernmost part of the Big Horn Tack On which lies in sections 4, 5, 8, 9, and 10 of R59W, T5S, is not of as much concern to us. We feel that the wilderness area will be greatly enhanced as a unit if all BLM, USFS, and NPS proposals are kept intact.

79

Our second major concern is with your wild horse surplus procedure. On page 6, section 2, you state that "anticipated budget allocations will not permit a continuous and timely excess program". Then on page 35, under the preferred alternatives section, you mention that the 121 head figure is viewed as a "median" figure to be maintained over the short term (8 years). Literally interpreted, this infers that the herd could be allowed to build to a size considerably in excess of the 121 head for a few years as long as it did not exceed 121 animals over an 8-year average. It is our opinion that allowing the Dryhead herd to exceed even the 11 head figure it currently supports for a few years would subject the already overstocked range to an unacceptable level of abuse. The accompanying reduction, in order to achieve the 121 head 8-year average, would have to be equally severe. In other words, we feel a yearly horse excessing program is essential. The horse range lands located within Big Horn Canyon NWA are subordinate to recreational needs and range management must be intensive in order to maintain recreational values.



2-2



IN REPLY REFER TO:

A3915

May 27, 1983

Dear Jerry:

80

On page 24, under the low level management alternative, in the second paragraph under Wild Horse Management and Recommendations, you stated that 7,696 acres including the Foreman extension would not be available for wild horse use. We believe that the 7,696 acre figure should be rewritten to include all NWS lands within the horse range. We suggest rewording to state that under a policy of totally unregulated wild horse use, no NWS lands could be included because that use by its destructive nature would be contrary to our management mandates and could not be allowed.

81

Thirdly, in reference to oil and gas leasing, it appears that the horse range may not be adequately protected from leaseable and locatable mineral development. Any related activity of this sort would seriously detract from the aesthetic properties essential in a horse sanctuary. National Park Service lands lying within the horse range are closed to mineral entry and disposition under the U.S. Mining Laws to include the mineral leasing acts. On page 37, under Land Tenure Adjustment, the Resource Objectives and Recommendations section, you identify 50 acres of land to be withdrawn from mineral leasing. No mention is made of National Natural Landmark areas such as the Bridger Fossil Area or the Crooked Creek Natural Area. Would these and other sensitive cultural sites receive protection from surface degradation linked to various forms of development and use? This does not appear to be the case from our review.

82

A statement relating to air quality on page 51 is in error. Big Horn Canyon NWA is classified as a class II clean air area under the Prevention of Significant Deterioration (PSD) requirements of the Clean Air Act.

83

Finally, a very minor point, but your land status map shows a 150 acre parcel formerly the Ruth-Aldrich property as privately owned. This parcel was purchased by the NPS several years ago.

84

We thank you for the opportunity to review and comment on your plan. It is a comprehensive document and should serve as a useful guide for the future management of the natural resources under your care.

Sincerely,

William G. Binner
William G. Binner
Superintendent

3-1



IN REPLY REFER TO:

E5

MEMORANDUM

TO: Billings RMP Project Manager, Bureau of Land Management,
Billings Resource Area

FROM: Field Supervisor, USFWS, Billings, MT (E5)

SUBJECT: Review of Billings Resource Area RMP Draft Environmental
Impact Statement

We have reviewed the subject statement and the following constitute the comments of the U.S. Fish and Wildlife Service (FWS).

Endangered Species

We have examined the Billings Resource Area RMP for compliance with the Endangered Species Act (ESA), as amended, and have the following comments about the plan.

First, the list of endangered or threatened species discussed in the plan is accurate and the plants mentioned (pg. 71) as "under review for listing" are also correct.

The ESA requires that "all" Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act (Section 7(a)(1))." The plan does not directly present a discussion of opportunities available to the BLM to enhance the survival or recovery of endangered species through positive programs aimed at these objectives.

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cont.

We recommend that an effort be made during the Section 7 consultation process at establishing long-term goals for E/T species and their recovery, and identification or documentation of known important and manageable E/T habitats. With this base, the biological assessment can be structured to examine alternatives and their impacts (direct, indirect, and cumulative). The final step needed is the identification and use of various criteria which will be followed in resource use prescriptions to evaluate case-by-case or area-wide development actions in the future. We recommend that the BLM incorporate this information into the RMP/FEIS. By establishing these procedures and criteria now, we can all be certain that the RMP/FEIS is not likely to affect E/T species over the long-term. Moreover, funding and manpower resources can be identified in advance of development so that EAR's and other site review processes can be adequately accomplished.

86

For instance, we agree with attempts to provide greater recreational access to the Yellowstone River via land acquisition or exchange under the FLPMA and/or "Asset Management Program." We are interested in (in so much the public be) how this and improved range condition in woody floodplain zones may affect (positively or negatively) the endangered bald eagle which is known to use this resource area during breeding, wintering, and migration periods, or the endangered peregrine falcon that migrates through the area and was known to breed in the Billings Resource Area in the past.

87

We note methods for monitoring for listed species are presented (Appendix 4.4) and monitoring for black-footed ferrets is discussed in the Alternatives Section. We realize that Instruction Memorandum No. M-11-163-Change 1, states that areas will be managed for ferrets depending upon funding and manpower availability. We feel that the RMP, as a public document, is a suitable place to present, in a specific section on listed species, a brief discussion of these policies and the BLM's proposed efforts to identify, protect, or enhance habitat for listed species. Also, we believe that specific goals of this long term planning and resource allocation tool should include projections for listed species recovery.

88

Finally, we recommend your continued efforts to consult with the Fish & Wildlife Service on RMP's as directed by ESA [Section 7(a)(2)]. Through this exercise, the BLM will:

- 1) develop a biological assessment of the impacts of various proposed actions and their effects on listed species, and be able to use the assessment in the decision making process (Record of Decision);
- 2) be able to document actions which were consciously considered and evaluated to enhance and protect habitat for listed species;

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CONT.

- 3) be able to make the public more aware of the BLM's responsibilities mandated under ESA;
- 4) benefit from public support of those actions proposed in the RMP which are designed to meet the mandates of ESA.

If we can be of assistance to you in interpreting or discussing our comments on this plan, please don't hesitate to contact Mr. Wayne Browster, Field Supervisor for Endangered Species in Montana at (406) 652-6039.

Wildlife Unsuitability Criteria

We have reviewed the application of the unsuitability criteria on the federal mineral estates within the Billings Resource Area. We believe that the rationale used in the draft document for application of the wildlife unsuitability criteria are not consistent with regulations pertaining to the management of federally owned coal (43 CFR 3400) and may result in unnecessary conflict or delays if leasing of these coal reserves is initiated in the future.

In general, we have found during past leasing efforts in the Powder River and Fort Union Coal Regions, that completion of four-six season wildlife inventories and application of unsuitability criteria will in advance of coal leasing activities minimize the conflict between wildlife and coal development initiatives. Section 3461.3-1(a)(1) of the Federal Coal Management regulations state that, "Each of the unsuitability criteria shall be applied to all coal lands with development potential identified in the comprehensive land use plan or land use analysis. For areas where one or more unsuitability conditions are found and for which the authorized officer of the surface management agency could otherwise regard coal mining as a likely use, the exceptions and exemptions for each criterion may be applied."

Section 3461.3-1(b)(1) requires that, "The comprehensive land use plan or land use analysis shall include an indication of the adequacy and reliability of the data involved. Where either a criterion or exception (when under subsection (a) of this section the authorized officer decides that application of an exception is appropriate) cannot be applied during the land use planning process because of inadequate or unreliable data, the plan or analysis shall discuss the reasons therefor and disclose when activity planning, or, in the case of Criterion 19, prior to approval of a permit, the data needed to make an assessment with reasonable certainty would be generated."

Section 3461.3-1(2) states that, "No lease tract shall be analyzed in a final regional lease sale environmental impact statement prepared under Section 3420.4-5 of this title without significant data material to the application to the tract of each criterion described in Section 3461.1 of this title, except, where necessary, Criterion 19."

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of the negative wildlife implications resulting from the loss of native range in Montana due to "plow-out" in recent years. In the case of the 1700 acres that are to be renovated, we recommend that this acreage be seeded to native range grasses and forbs; for the 5,188 acres of existing crested wheatgrass pastures, we recommend that instead of improving them, that native grasses and forbs be reestablished in these areas.

We are also very concerned about the proposal to burn 21,500 acres of sagebrush. According to the draft, (p. 149) 18 percent of the federally managed antelope winter range would be destroyed. In addition, 20 Sage grouse leks (25 percent of the known leks) and adjacent associated wintering and nesting areas could be affected. This appears to us to be an unacceptable risk to these wildlife species. In this matter, we are somewhat confused as to whether the guidelines outlined in Appendix 4.1 (page 8-60) for sagebrush burning are to be followed. The guidance states that burning would be prescribed on areas where sagebrush canopy cover exceeds 40 percent. However, the main body of the draft states (p. 117 and elsewhere) that "Prescribed burning of dense (25 percent canopy) big sagebrush will greatly reduce canopy of sagebrush." If only areas exceeding 40 percent canopy coverage are burned, would the total acreage treated be substantially less than 21,500 acres?

Because there seems to be significant wildlife impacts that could result from burning this sagebrush, we feel the activity should only be undertaken after a detailed Habitat Management Plan and Environmental Analysis is developed for the area to be burned. The main reason for the proposed treatment is to provide additional forage for livestock, but there is sufficient reason to believe that if the burn is conducted after meaningful wildlife studies have been completed, potential impacts to wildlife could be reduced substantially. Of course the studies might show that the impacts could not be mitigated and if so we would recommend that the sagebrush burning be forgone.

Riparian Habitat

As you know, the BLM, at the national level, has recognized the importance of riparian-wetland habitat, and special emphasis has been given to the protection and enhancement of these areas, in terms of general policy. On February 5, 1980, the BLM published in the Federal Register (Volume 45, No. 25, pages 7889-7895), Final Guidelines: Wetlands-Riparian Area Protection and Management: Policy and Protection Procedures. Therein it is stated that, "Riparian areas which presently or potentially support broad-leaved vegetation in arid and semi-arid ecosystems are of special management concern" (emphasis added). One of the stated objectives is to "Implement a management system to protect, maintain, and enhance all wetland-riparian areas administered by BLM" (emphasis added). The guidelines further state that BLM policy will be to, "Avoid the long and short-term adverse impacts associated with the distribution, loss, or degradation of wetland-riparian areas" and, "Preserve and enhance the natural and beneficial values of wetland-riparian areas which may include constraining or excluding those uses that cause significant, long-term ecological damage."

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Section 3461.4-1(b) further emphasizes that, "The unsuitability criteria shall be initially applied either:

- (1) During land use planning or the environmental assessment conducted for a specific lease application; or
- (2) During land use planning under the provisions of Section 3420.1-4 of this title."

In summary, the regulations require that the unsuitability applications be based on adequate data and that they be completed prior to leasing of the federal coal.

Our analysis of the subject document did not identify whether or not adequate wildlife data for the coal field exists. Our understanding is that adequate data is not now available, but that on-going inventories are being completed and other inventories have been scheduled. We believe the document should discuss the status of the application of unsuitability criteria 19-15, including the adequacy of existing data and how future unsuitability applications will be conducted. We strongly encourage the Bureau to complete wildlife inventories and any necessary unsuitability applications well in advance of anticipated leasing activities. In this regard, we believe that the management recommendation to delay unsuitability criteria applications on areas that will be mined by underground methods until a site-specific mine plan is filed should be revised. Development of mine plans are expensive and time-consuming endeavors. To delay identifying to industry conflicts with planned surface facilities and wildlife until this stage will result in unnecessary conflicts between coal resource development and wildlife. Assembling adequate wildlife inventory data and application of unsuitability criteria should be completed as soon as industry expresses interest in an area and before any federal leases are issued.

Range Resources

Under the preferred management alternative, it is proposed to renovate 1700 acres of blue grama-fringed sagebrush dominated range and to improve 5,188 acres of existing crested wheatgrass pasture. We are very concerned with the trend toward development of crested wheatgrass pastures on public rangeland. This type of conversion results in monotypic vegetation, essentially useless to wildlife. Even if other species such as alfalfa or sweetclover are included in the mixture, they are generally eliminated over time due to the competitive nature of crested wheatgrass and the high livestock utilization rates typically used to maintain the "pasture" in palatable condition. We feel that these conversions (to crested wheatgrass) should not be undertaken on public lands that are managed for multiple use. If undertaken at all, they should be developed on private lands included in an RMP in order to defer use on the native public range until mid-June or early July. Thus, the livestock operator would still have the necessary spring grazing and the native public range would be maintained. We feel this is critically important because

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Having reviewed the Billings RMP EIS, we were unable to determine: 1) how much woody floodplain zone exists in the Resource Area; 2) what the existing condition is of the 41 miles of woody floodplain zone in the "1" category (wetlands, not 3) whether there are any wetlands in the Resource Area. Although the draft states (p. 47) that, "Ecological condition on 80% of 41 miles of woody floodplain zone would improve or be maintained in good and excellent condition" we have no way of determining what the relevance of your commitment is. For example, if 80% is already in good or excellent condition, then in essence nothing would be done to improve existing habitat in fair or poor condition. If additional woody floodplain zones exist in the Resource Area in the "2" and "3" categories, we feel that an appropriate goal for these areas would also be to attain 80% or more in good to excellent condition. Similar commitments should be made for protecting wetland habitats.

During preparation of the Final EIS, we feel more attention should be given to wetland-riparian needs, especially regarding the time over which protective measures are to be implemented. Inasmuch as it could take 25 years to attain your proposed goals and these habitats are so important to wildlife, some additional measures seem warranted in the interim. For example, 25% of the existing woody floodplains could be fenced over the short-term (8 years) to insure that some of these areas improve quickly. This is especially important because the responses of woody habitat to intensive grazing management are not yet fully known. It is possible that even with close monitoring, the desired goals could not be reached with grazing management alone.

Land Tenure

On the issue of land tenure adjustments, we would like to request that you implement a goal of utilizing exchanges as the primary means of disposal rather than sales. Outright sales of public lands could have severe consequences upon the wildlife values thereof and the public's use thereof. It is especially important in the Billings Resource Area to maintain as much land in public ownership as possible to provide areas for recreation for the large and growing population in this region of Montana. Furthermore, we encourage you to pursue, on a priority basis, providing access to these public lands where such access does not now exist.

Livestock Grazing

On the issue of grazing, we found almost no details in the draft of how grazing will be managed for the benefit of wildlife. The inference made is that bettering the range condition will increase wildlife benefits. Although we too believe that wildlife can benefit from bettering the range condition, we feel that other issues must also be considered to determine whether wildlife resources will receive any net benefits. Often times the range improvements (water, fencing, grazing systems) associated with intensive management have substantial negative impacts. For example, one manifestation of intensive management is the intrusion of livestock into areas that previously were not utilized because of

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United States Department of the Interior
BUREAU OF RECLAMATION
Upper Missouri Region
P.O. Box 2553
Billings, Montana 59103

IN REPLY
REFER TO: UM-150

MAY 13 1983

Memorandum

To: State Director, Bureau of Land Management, Billings, Montana
From: Regional Environmental Affairs Officer, Bureau of Reclamation, Billings, Montana
Subject: Draft Environmental Impact Statement - Resource Management Plan - Billings Resource Area (DES 63-17)

Our review of the subject draft EIS indicates that the proposed resource management plan would have no effect on proposed or operating Reclamation projects. We have no further comments.

Thank you for the opportunity to review the draft impact statement.

[Signature]

cc: Commissioner, Attention: 150

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RES. T _____
ENV. ED _____
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PLAN _____

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
1805 LINCOLN STREET
DENVER, COLORADO 80255

JUL 27 1983

Ref: BMD

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

Mr. Michael J. Penfold
State Director
Bureau of Land Management
222 North 32nd Street
P.O. Box 30157
Billings, Montana 59107

Dear Mr. Penfold:

We have completed our review of your agency's draft environmental impact statement entitled "Resource Management Plan - Billings Resource Area." The draft EIS adequately addresses the environmental aspects of your proposed management plan over which EPA has authority. We support your watershed management proposal and believe it should help improve water quality in the study area.

According to EPA's rating system for draft impact statements, this EIS is rated 10-1 (lack of objections - sufficient information). If you have any questions, please contact Mr. Gene Taylor in our Montana Office, Helena, at FTS 585-5486.

Sincerely yours,

[Signature]
John C. Welles
Regional Administrator

7



United States Department of the Interior
GEOLOGICAL SURVEY
RESTON, VA 22091

In Reply Refer To:
BGS-Mail Stop 423

JUN 23 1983

Memorandum

To: Billings Resource Area Project Manager, Bureau of Land Management, Billings, Montana
From: Assistant Director for Engineering Geology
Subject: Review of draft environmental statement for resource management plan, Billings Resource Area, Montana

We have reviewed the draft statement as requested in the State Director's notice.

We have given only the most cursory review to the minerals data included in this report because the U.S. Geological Survey will prepare a comprehensive, detailed, joint report with the Bureau of Mines on the mineral resource potential of those areas recommended as suitable for wilderness, in accordance with Section 603 of FLPMA.

We have no other comment.

[Signature]
James P. Devine

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RES. T _____
ENV. ED _____
ADM _____
PLAN _____

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DEPT. OF INTERIOR State of Montana
BUREAU OF LAND MANAGEMENT
Billings, Montana 59107

TED SCHWINDEN
GOVERNOR

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

July 15, 1983

Mr. Michael Penfold, State Director
U.S. Bureau of Land Management
P.O. Box 30157
Billings, MT 59107

Dear Mr. Penfold:

On behalf of the State of Montana and the State Planning Task Force members, I would like to thank you for the opportunity to comment on the Draft Billings Resource Area Management Plan (RAMP).

The State of Montana appreciates the fact that in the process of developing the Billings RAMP it was necessary for the BLM to address an exceptionally large, diverse portion of Montana. Acknowledging that fact, the RAMP still appears to be vague in the data used for the alternatives and methodology sections. The format used in the RAMP was confusing and involved a considerable amount of searching and sorting to understand the management directives.

Attached are specific comments and concerns particularly important to Montana. We continue to support BLM's efforts to consolidate land holdings through exchanges and sales, when the process would result in a positive benefit to the public.

I look forward to reviewing the final RMP and continuing our on-going land exchange process.

[Signature]
TED SCHWINDEN
Governor

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RES. T _____
ENV. ED _____
ADM _____
PLAN _____

cc: Planning Task Force Members

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SPECIFIC CONCERNS

A. AIR QUALITY

- 1) On page 53, paragraph 5 under Air Quality of the RMP, the paragraph is incorrect. Neither portions of the Absaroka-Beartooth "wilderness area" nor the Bighorn National Recreation Area have Class I air quality designations. The only area to have a Class I rating is Yellowstone National Park.
- 2) No mention is made of the impacts associated with prescribed burning. According to the Plan, 21,520 acres of sagebrush are programmed for burning, but no mitigation measures are mentioned regarding the resulting smoke. Reference should be made to the Montana Cooperative Smoke Management Agreement and Plan.

B. WATER

- 1) Due to the climatic and land characteristics of the areas managed by the BLM in the Billings Resource Area, minimal impacts to water quality are expected under the preferred management alternatives. Best management practices (BMP) should be used to maintain streamside vegetation, stockwater access, bank trails and any other natural conditions along streambanks, in addition to the maintaining of water quality.
- 2) The High-Level and Preferred Management Alternatives state that water quality in riparian zones should improve. The effectiveness of sediment control and some water chemistry parameters will require monitoring.
- 3) Grazing management, and coal mining are potential areas of concern for water quality impacts. With proper mitigation and management practices, reduction of impacts to water quality can be made. Grazing allotment management should include measures for streambank protection. Mitigating measures to reduce the impacts of coal mining and its associated activities must be considered and implemented as federal reserves are leased and mined.

C. GRAZING

- 1) The emphasis on grazing system implementation, range and lame pasture renovation and the reduction of stocking rates to achieve proper use should be effective in range and watershed improvements.
- 2) Detailed sagebrush burning techniques should be given in the allotment management plans and Appendix 4.1 of the RMP. Resteeding may be necessary following prescribed fire in stands severely depleted of perennial grasses.
- 3) It is not clear on pages 30 and A-50 of the RMP if renovated crested wheatgrass pastures will be fenced. Fencing of crested wheatgrass pastures into separate units is usually required for effective pasture management.

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F. FIRE CONTROL

The current program needs to be explained in greater detail, considering the scattered nature of their lands. The BLM policy regarding cooperation with the Department of State Lands should be explained. Recognition should be given to the counties participating in the County Cooperative Fire Program. The planned fire prevention, suppression, detection, and suppression coordination should be explained.

G. OIL AND GAS LEASING

The discussion on page 7 of the RMP is unclear. First, the statement is made that: "The activities associated with oil and gas exploration and production may impact scenic values, wildlife habitat, cultural resources and other land uses." Later, the statement is made that: "In most cases, these stipulations (standards) provide adequate protection for other environmental components." It appears that potential impacts are recognized, but it is not clear if the BLM intends to fully provide the necessary environmental protection. Adequate environmental protection should be ensured in more than "most cases" terminology.

H. LAND TENURE ADJUSTMENT

The State strongly supports the emphasis on land exchanges, as opposed to sale, in the Billings Area RMP. South-central Montana has the lowest percentage of public lands of any area in the state. Yet, it has the largest and fastest growing population of any region.

The Land Tenure Adjustment Planning Criteria presented in Appendix 1.3 (page A-4) do not seem to conform to the criteria included in the State Director's Guidance Manual. In particular, size is not a criterion in the Director's Guidance, but seem to have some importance in Appendix 1.3. Number 13 under "Disposal Criteria" seems to indicate that BLM intends to accommodate subsisting where stated position on this issue.

In a related matter, we recently received a request to comment on the sale of a parcel of land which is part of the Pryor Mountain Wild Horse Management Area. This is contrary to the State Director's Guidance Manual, but does not seem to be addressed by the "Retention Criteria" in Appendix 1.3. These discrepancies should be cleared up.

I. COAL LEASING

The State has some concerns about the leasing of coal reserves in the Bull Mountains, at this time. The nature and cost of the extractive operation involved are of dubious feasibility in current coal market conditions. The EIS also fails to present, for public comment, the results of the application of all the unsuitability criteria. We recommend that before any coal leasing occurs in the Bull Mountains a separate EIS be prepared that addresses in-depth these and other concerns of the public.

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- 4) Monitoring of range conditions, trends, and utilizations will be very important in the Billings Resource Area due to the limited data and time inputs available for the RMP. Monitoring techniques should be described in more detail in the RMP, even though they will be described in each Allotment Management Plan. An appendix could be included listing the specific data gathering techniques to be used for each allotment category, including the frequency of the monitoring effort.

- 5) The "sodbusting" practices that are going on in Montana could jeopardize BLM's asset management program. The State strongly supports the exchange of lands instead of sale for isolated tracts; where there is potential irrigable lands; and in areas that make good land management sense. The sale of isolated tracts should only be considered when such a sale would be of public benefit. Since these lands are, for the most part, rangeland the State wishes to express its concerns that these lands not be broken up unless they are classified as tillable land by the Soil Conservation Service. The State suggests that a "statement of intent" and a soil conservation plan accompany any person's or company's offer to buy or exchange BLM land.

D. NOXIOUS WEEDS

The emphasis on cooperative efforts with private landowners and county weed boards is appreciated. The BLM acknowledges a need for an accurate inventory of infested acres and should commit to such an inventory.

E. WILD HORSE MANAGEMENT

- 1) The State supports BLM's efforts to consolidate their land holdings within the Pryor Mountain Wild Horse Range (PMWHR) to facilitate management of the area. The Department of State Lands has listed for exchange the State Trust Lands within the Wild Horse Range in the Billings Resource Area.
- 2) Short of forced movement of the horses and cross-fencing, the State believes that the BLM should take more positive measures than those outlined in the preferred alternative to improve the range condition on the PMWHR. Some of the other range improvements outlined in the high level management alternative would seem to be appropriate for further consideration.
- 3) Installing several water catchments would further aid in the distribution of the horses and help reduce the erosion associated with long treks to water sources. Interseeding and some forms of vegetative manipulation, such as sagebrush burning, should also be considered.
- 4) The State supports a vigorous monitoring program be associated with any management changes on the PMWHR. Manipulating the sex ratio of the herds should be phased in over time and closely monitored.
- 5) Removal of the Classification and Multiple Use classification from the majority of PMWHR lands has the potential to dramatically affect the horses. The BLM should study the possibility of extending the preferred alternative oil and gas leasing philosophy to mineral exploration.

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J. WILDLIFE

- 1) Key wildlife-use areas must be included as an integral part of the grazing plan. Special emphasis should be placed on quantified range improvement objectives and how it is to be attained within the grazing plan. The State recommends that a portion of the increase in predicted forage as a result of improved range conditions be allocated to key wildlife ranges.

- 2) The State disagrees with the statement, "additional livestock water sources would expand wildlife habitat significantly on the #1 category allotments." Prior to adding water sources a complete evaluation should be made of the potential conflicts with wildlife that may result from the change in livestock distribution.

- 3) The development of nesting islands can be of considerable benefit to waterfowl and should be included in all new reservoir construction. Fencing reservoirs from cattle use to produce nesting cover can also be of benefit, but only if a large enough area (150-160 acres) of cover is provided. Research by the Montana Department of Fish, Wildlife and Parks has determined that on waterfowl production areas small patches of nesting cover serve as an attractant to waterfowl, but ultimately form a trap as they are easily searched by predators.

- 4) Although available nesting cover for upland game birds can increase due to decreased off-road vehicle use, the benefits would be reduced since vehicles would still have access to the area on designated roads and trails. The acreage impacted would thus be considerably less than the 57,900 acres predicted in the EIS.

- 5) Habitat management plans should not be limited to chukars, but should be prepared and implemented for all wildlife species. The uniqueness of this bird to Montana hunters and its dependence on public lands is a good reason for developing a management plan. However, the needs of the other game and nongame species also need to be considered. For example, Over the past seven years for which comparable data are available, chukar hunters have averaged 623 hunter days and 895 chukars killed per day. This compares with a combined average of 122,000 hunter days for upland bird, antelope and deer hunters in the same area. This hunter use dictates habitat management plans should also be developed for other species.

- 6) The State disagrees with the statements, "There would be a moderate decrease in chukar partridge and sage grouse habitat due to the burning of 21,520 acres of sagebrush." However, this would result in a moderate increase of sharp-tailed grouse habitat. The removal of sagebrush will result in a decrease in sage grouse, but it does not guarantee the appearance of sharp-tails or their habitat.

- 7) Sagebrush removal on 21,520 acres (18 percent of federally managed antelope winter range) will have a significant negative impact on antelope. Sagebrush is the dominant forage species in antelope diets often constituting 80-90 percent of the total winter diet. In addition, research has found browse occurrence in the antelope diet to be 15 times greater than its occurrence in the plant community and substantial starvation losses of antelope have been documented when they are restricted to grassland types.

- 8) Sagebrush burning would also have a negative impact on sage grouse. Since the sage grouse strutting ground is considered the hub of sage grouse

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activity, the effect of sagebrush burning would be even greater than the 25 percent indicated because of the associated wintering and nesting areas that would be affected.

The State recommends those areas for which sagebrush burning is proposed be identified in the Plan. In addition, the BLM should coordinate these and future sagebrush burning proposals with the Montana Department of Fish, Wildlife and Parks with the intent to meet the following guidelines: leave a ratio of 40:60 (40 percent sagebrush, 60 percent open); no burning on critical sage grouse or antelope wintering areas; burns in small irregular patches 50-100 yards in size; no burning within identified sage grouse nesting, wintering and strutting ground complexes; burning should occur in early spring before nesting.

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Natural Resources Defense Council, Inc.

Public Lands Institute
1720 RACE STREET
DENVER, COLORADO 80202
303 377-9740

RECEIVED
BILLINGS RA

JUL 20 '83

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AM. RANG. WIL
RES. T (OFS) BSC
RES. T LAFS
ENV. ED. WILCOV
ADM. FILE ACTGON
PLAN

July 15, 1983

Mr. Gary Leppart, Project Manager
Billings Resource Area Office
Bureau of Land Management
810 East Main
Billings, Montana 59107

Re: Draft Environmental Impact Statement and Resource Management Plan
for the Billings Resource Area, Montana

Dear Mr. Leppart:

Enclosed are the comments of the Natural Resources Defense Council and its Public Lands Institute on the Draft Environmental Impact Statement and Resource Management Plan for the Billings Resource Area.

We appreciate the opportunity to review and comment on this proposal. If I can be of assistance to the project team, please do not hesitate to contact me at the above address and telephone.

Sincerely yours,

Carolyn R. Johnson
Carolyn R. Johnson
Senior Public Lands Specialist

CRJ:km

Enclosure

Washington Office
1111 K STREET, N.W.
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NEW YORK, N.Y. 10004

Denver Office
1720 RACE STREET
DENVER, COLORADO 80202

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DEPT. OF INTERIOR
BUREAU OF LAND MANAGEMENT
JUL 13 1983
MONTANA STATE EXECUTIVE DEPARTMENT
BILLINGS, MONTANA
CHEYENNE

TO: SENATOR
GOVERNOR

July 11, 1983

RECEIVED
BILLINGS RA
JUL 19 '83
DATE
AM. RANG. WIL
RES. T (OFS) BSC
RES. T LAFS
ENV. ED. WILCOV
ADM. FILE ACTGON
PLAN

Mr. John A. Kwiatkowski
Bureau of Land Management
222 North 32nd Street
P.O. Box 30157
Billings, MT 59107

Dear Mr. Kwiatkowski:

The draft Resource Management Plan for the Billings Resource Area has been circulated for review by several state agencies. Copies of agency comments are enclosed for your consideration and use.

Our review was restricted to those management proposals affecting the 6,340 acres of public lands in the Pryor Mountain Wild Horse Range (PMWR) in Big Horn County, Wyoming. We note that the preferred alternative recommends wilderness designation of the entire PMWR. We further note that present management of the wild horse range is in keeping with preservation of wilderness values. If the area were to be designated wilderness, we believe that sufficient flexibility should be incorporated in the designation to allow for needed range improvements and wild horse management activities. We also encourage the Bureau to work closely with the local public and communities to address access, interpretation and recreation/tourism desires.

Thank you for the opportunity to review and comment on this document. Please keep my office informed of the progress in this effort.

Sincerely,

Dick Hartman
Dick Hartman
State Planning Coordinator

DH:pci

Enclosures

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Natural Resources Defense Council, Inc.

Public Lands Institute
1720 RACE STREET
DENVER, COLORADO 80202
303 377-9740

COMMENTS OF THE
NATURAL RESOURCES DEFENSE COUNCIL, INC.
AND ITS PUBLIC LANDS INSTITUTE

ON THE

DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND RESOURCE MANAGEMENT PLAN FOR
THE BILLINGS RESOURCE AREA, MONTANA

Prepared by:

Carolyn R. Johnson
Senior Public Lands Specialist
Eric Hildebrandt
Intern, Policy Analysis

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The Alternatives

The RMP/EIS alternatives fail to include or shortchange management actions and impact analysis for several important concerns, largely because BLM has failed to inventory much of the lands it manages. For example, Chapter one notes that "there is currently a state and federal effort under way to identify utility and transportation corridors" in the resource area, but dismisses further development of these issues in the planning process because they are "not items of major concern or sufficient data for analysis purposes simply do not exist" (p. 3). Utility corridor and transportation planning are basic issues which should be addressed throughout the planning process -- gathering additional information, if necessary -- in order to develop a comprehensive, integrated management plan for the area. Similarly, the recreation and visual resource management programs in all the alternatives are not well developed, with the only clearly stated objective being to acquire access into seven areas with high recreational potential (p. 37).

In several cases, BLM appears to have access to significant inventory data and information which has not been "collected in a manner that aids application in the planning process" (43 CFR 1610.4-3(a)). The RMP/EIS notes, for example, that a study is being conducted by the Montana Bureau of Mines for BLM aimed at determining if the coal beds in the Bull Mountains serve as aquifers in order to assess impacts of coal mining on groundwater or resources (p. 68). Such data could have a major impact on the area's coal management program, and should therefore be integrated into the planning process, rather than treated separately. Known water quality problems and BLM's participation in the "208 Planning" program aimed at identifying and controlling areas of non-point sources of pollution are mentioned, but no attempt is made to incorporate this data or cooperative planning programs into the RMP.

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priority to identifying possible ACECs, when this effort was made, and what potential candidates for ACEC status were dropped from consideration. Without this information the reader cannot determine if the procedures were proper nor discuss the qualifications of potential areas.

Land Tenure Adjustment

We have found it difficult to submit detailed, in-depth comments on the proposed land tenure adjustment program, as specifically requested by BLM, because of the brief, largely superficial description of this program in the draft RMP/EIS. No identification and description of the specific resource values of the land being considered for sale is given, nor does the document provide an explanation of how selling these tracts will further BLM's objective to "improve management of both public and private land" (p. 33). BLM must demonstrate that land proposed for sale meet the criteria for land sales in the Federal Land Policy and Management Act (FLPMA), such as being:

"... difficult and uneconomic to manage" or serving "important public objectives... which cannot be achieved prudently or feasibly on land other than public and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership" (Sec. 203(a)(1)(3)) (emphasis added).

The draft RMP proposes attempting to sell roughly one-seventh of the public lands within the "adjustment zone" in which land disposal criteria were "tested" (5,237 of 35,133 acres) yet there has been no evaluation of the individual or cumulative impacts of such large scale land sales in the resource area's watersheds, wildlife values, recreational opportunities, visual quality, and other existing and future land uses. Without such information and analysis, it is impossible to evaluate how BLM has applied the criteria for land adjustment in FLPMA, Sec. 203(a), or to comment on the impacts proposed land disposal will have.

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In cases where sufficient resource inventory or data has not been collected to adequately guide management decisions and analyze impacts, FLPMA, NEPA and regulations formulated under these Acts clearly emphasize the need to assemble this information. Information regarding the "high erosion hazard" on the soils in much of the resource area (p. 66), inventory of visual resource management classes (p. 80), ORV and other recreational use of public lands (p. 79), should be compiled and presented in map overlays or tabulated form. Conspicuously missing is any information on recreational visitor days, projected future demand and the economic impact of public land resources in terms of tourism and recreation. The purpose of data requirements in BLM planning regulations and CEQ regulations is to ensure that such data is incorporated into an interdisciplinary planning approach prescribed by FLPMA and NEPA, as well as to inform the public and encourage informed participation and comment. Where important inventory and resource data has not been compiled, it would assist the reader and future BLM management to identify these data gaps in one section.

We think it would be extremely helpful to the reader if a section were included under each management area in the Preferred Alternative explaining the rationale for why particular management actions are being proposed. In such a section, the findings of the other alternatives could be discussed, trade-offs identified and the choice of preferred actions explicitly explained. As now written, the reader is largely left to guess how a preferred alternative was chosen and why BLM found that the individual components better achieve its objectives than other options.

As BLM is aware, FLPMA requires the agency to prepare and maintain a land and resource inventory "giving priority to areas of critical environmental concern" (ACECs) (43 USC 1711(b)) and priority to their designation and protection. The RMP/EIS makes only one mention of ACECs, stating that none were identified (p. 3). It is not at all clear that the inventories in the resource area gave

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We urge BLM to utilize the current planning process to develop a better inventory of public land and to analyze how public and private land-use could be improved by adjusting land tenure patterns, rather than proceeding with a program of land disposal. BLM's objective of more efficient management of public lands would be better served by concentrating its resources on developing comprehensive land use plans on which to base land adjustment programs. Indeed, FLPMA clearly gives priority to retention of public lands and land use planning over land disposal in Sec. 102 (a)(1), which states:

"The public lands shall be retained in Federal ownership, unless as a result of land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest."

In view of the scattered, isolated location of many small parcels of public land in the Billings Resource Area, it is possible that some degree of land tenure adjustment may improve both private and public land use. However, BLM's objective of optimizing public and private land use patterns will clearly be better achieved by using exchange or transfer to local governments as the primary means of adjustment, and using sales in only very limited circumstances. In recent land use plans, BLM seems to have reversed its priorities for adjusting ownership from land exchange and transfer to land sale. In many instances, the long-run benefits of "infilling" to enhance use of surrounding public land or the potential benefits of holding land for future land use significantly outweigh the benefits of land sales. As the draft RMP/EIS for the neighboring Headwaters Resource Area in Montana notes:

"Sale often offers a simpler, quicker method of disposing of land, but decreases the long-run potential for a desirable land ownership pattern by depleting the stock of land available for future exchanges, while achieving only one-half the desired results: the disposal of undesirable tracts." (p. 112)

Grazing

The EIS states that this statement was written in specific response to the court order and to comply with NEPA and the CEQ regulations (p. 17). Although the DEIS apparently meets the Court's schedule, it does not contain the substance of an EIS required by the Court's judgement to assess actual environmental impacts of permits and to comply with NEPA in all respects. Natural Resources Defense Council, Inc. v. Morton, 388 F. Supp. 829 (D.D.C. 1974), aff'd., 527 F.2d 1386 (D.C. Cir. 1976), cert. denied, 427 U.S. 913 (1976).

First, the DEIS fails to assess the "no livestock grazing" alternative which constitutes the "no action" alternative required by the CEQ regulations 40 CFR 1502.14(d)(1982) because it was "neither feasible nor legally implementable" (p. 11). As the Bureau has previously recognized, the no grazing alternative must be included in order to provide a baseline against which to compare the environmental impacts of all other alternatives.

The alternatives that are included are inadequate and do not involve an appropriate range of livestock levels. Only two levels are considered and one is not a genuine alternative -- 62,437 licensed AUMs for three alternatives and a 4 percent reduction to 59,815 AUMs which "may" occur (p. 24) in the Low Level Management Alternative. Neither BLM nor the public can understand and evaluate the choices that are involved in authorizing livestock use when such narrow options are presented.

The RMP/EIS lacks basic and comprehensive inventory data on site-specific range conditions, current and potential grazing capacity, soils and vegetation. Some range condition and soil data are presented in Table 3.5 and Appendix 2.1 but not sufficiently complete for the reader to determine actual conditions, prospects, and alternatives for each allotment. Trend data have been collected only on the 24 Allotment Management Plans (p. 70) which encompass less than half of the acreage under lease. We have been unable to locate any information

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Coal

The planning team apparently has failed to use surface owner consultation as the planning tool it was intended to be, or even to understand and present the legal requirements governing surface owner consent. The RMP/EIS states that "BLM will try not to lease coal in instances where a qualified surface owner is opposed to leasing coal on his land" (Emphasis added) (p. 7). BLM's regulations require surface owner consent to be obtained before leasing for surface mining methods (43 CFR 3427.1(a)(2)). The document must explain this system correctly and clearly. The RMP/EIS goes on to state:

"If a significant number of land owners are opposed to leasing, a portion of the coal field may be blocked out and not considered further during this RMP planning effort". 1d.

No explanation is given as to what amount of acreage (number of landowners is irrelevant) BLM would find "significant". What is? Two maps (figs. 2.5 and 2.7) show the results of BLM's consultation with surface owners in only two of the five coal fields, but no discussion indicates how consultation was used in defining the goals, devising the alternatives and selecting the preferred alternative. From the maps it appears that leasing is opposed on about 40 percent of the acreage overlying federal coal. Is consultation merely a paper exercise? The issue is the apparent failure of BLM to use its surface owner consultation process as a planning tool in the Billings RMP.

As we have pointed out in other sections, this RMP/EIS lacks much of the inventory that is essential to a comprehensive, well thought out planning effort. Basic information is lacking or inadequate on soils, water, vegetation, and cultural resources which may be affected by mining. Only four of the twenty lands unsuitability criteria were applied and, because there is no discussion, only a figure (2.8), we don't know if those four were partially or completely applied. The question the document must address is what did you do and why did you do it?

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In the document on actual-use AUMs, Bureau officials have previously acknowledged that grazing EIS's must contain data regarding the "present grazing capacity" of the specific areas in order to support "[p]roposed levels of livestock grazing." Affidavit of Paul Leonard (Jan. 10, 1978), filed in NRDC v. Andrus, 448 F. Supp. 802 (D.D.C. 1978). See also CEQ Regulations, § 1502.22.

The RMP/EIS places great reliance on the largely unsupported assumption that proper and specific management actions will be taken in the future to solve acknowledged problems such as: domination by invader and increaser species because of overgrazing, "poor livestock distribution," "overstocking" and "season-long grazing" (p. 69). The document does not provide information on which actions and range improvements will be taken on which allotments and how effective they will be. What analyses it does contain are limited to the MLC categories of allotments as a group, although the problems and conflicts are identified for 1 Category specifically (Table 2.2).

In sum, the RMP/EIS fails to contain adequate information on existing conditions, proposed actions and environmental impacts to such a high degree that the public is excluded from meaningful participation.

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In the sections purporting to analyze environmental impacts, the reader is assured that the impacts from mining up to 9,535 acres in the Bull Mountains is mitigated by "applications of the unsuitability criteria and the formulation of proper mining plans" under SMCA (p. 135). At a minimum, the EIS must analyze whether existing law and regulations will effectively mitigate all impacts and whether additional measures are needed. Of course, mitigation measures can't be designed until an analysis is first made of the impacts, which the RMP/EIS fails to do in a specific, quantitative fashion. For example, we are told that revegetating to ponderosa pine in mined areas "is a concern" (p. 135), but no specific data is presented or mitigation measures offered. The EIS claims that coal mining would cause wildlife species to move to "more desirable habitats" and that reclaimed areas may produce "more desirable spring and summer range for big game" (p. 119). Where are these more desirable habitats and are their present wildlife populations below carrying capacity? Would more spring and summer range be in balance with existing winter range -- a critical, limiting factor on population size.

In addition to a lack of specificity in base-line data, impacts and mitigation measures, there are two other areas in which the RMP/EIS fails to inform the reader sufficiently so that meaningful public participation can occur. First, there is no quantitative analysis of the impacts of coal leasing and development on private surface owners, particularly on ranch operations overlying the coal resource and those nearby. BLM's regulations require such analysis (43 CFR 1601.0-8) and BLM recently reaffirmed this as one of the "fundamental components of the planning process" (48 CFR 20365, May 5, 1983). Secondly, the RMP/EIS states that:

"coal exchanges would be considered when it's in the public interest to block up Federal mineral holdings" (p. 32).

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151 It appears that exchanges would be allowed if the preferred alternative is adopted. No criteria are described by which the public interest is determined and no analysis is presented on the exchange option. What are the criteria? Does BLM assume that blocking up holdings is, by definition, in the public interest?

Environmental Impact Analysis

152 A much more in-depth, specific analysis of environmental impacts -- using quantifiable estimates whenever possible -- is necessary to fulfill the agency's responsibility under 40 CFR 1502.14. In some cases, it is impossible for the reader to assess the environmental impacts in a meaningful manner due to the lack of specific management actions proposed in the alternative RMP's. The areas closed to oil and gas leasing, where timbering will take place, where utility corridors are likely to be, and the mileage and location of roads necessary to build or maintain under each alternative would all play a major role in determining the environmental impacts of each alternative, yet they are not specified or quantified in the RMP sections.

To a large extent, the sections on environmental impacts of each alternative do not go beyond the generic text-book discussions of impacts at the beginning of Chapter 4, and do not discuss localized impacts to specific areas or quantifiable impacts attributable to the proposed management actions. In the Section on impacts to soils/watershed that would result from coal leasing, oil and gas leasing, classifications, recreation access and off-road vehicle use under the each alternative, the EIS merely states that:

"The impacts would be the same as those described in the General Impact Section" (pp. 133, 134, 146 and 157).
Meanwhile, impacts on wildlife and soils/watershed are given in terms of habitat acres and acre feet of runoff, respectively, which are not very useful in

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The identified deficiencies justify a comprehensive supplement to this draft RMP/EIS. The additional information, planning, and analysis that is required to make this RMP/EIS a specific planning and analytical document would substantially change the scope and content of the existing document. For these reasons, the public, and local, state and federal agencies should be given the opportunity to comment on the content of another draft RMP/EIS.

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152 cont. trying to determine effects on wildlife populations or the effect of erosion on land use or productivity.

In addition, the EIS also assumes many impacts will be mitigated without giving an adequate explanation of why this is a valid assumption. The EIS explicitly assumes, for instance, that "mitigation of impacts to visual resources would be developed for all actions causing surface disturbances" (p. 114), and subsequently concludes that all negative impacts on visual resources would be "insignificant" or "short-term" (p. 162). Oil and gas drill sites are assumed to average approximately two acres in size but there is no mention of the amount and impact of roads necessary to accompany oil and gas development (p. 114). Mitigation of the impacts of oil and gas development to watersheds would be assured by stipulations contained in the Lewiston Oil and Gas Programmatic Environmental Assessment, according to the EIS, but no further information regarding these stipulations is presented (p. 115).

Summary

153 We do not believe the draft RMP/EIS fulfills the regulatory and statutory intent and requirements in several significant respects. The alternatives do not present an adequate range of choices, and fail to include sufficient inventory data, specific management proposals and impact analysis for many fundamental management concerns such as watershed, grazing, coal leasing, wildlife, recreation and land-tenure. As described in our comments, there is no indication that BLM has made a concerted effort to properly inventory the resource area, use all available data, and collect, use and present this in an integrated, usable form. These deficiencies not only preclude meaningful public input and review, but also indicate BLM has not utilized the thorough, interdisciplinary planning process prescribed by FLPMA and NEPA.

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NATIONAL WILDLIFE FEDERATION
1412 Sixteenth Street, N.W., Washington, D.C. 20036 202-797-6800

RECEIVED
MONTANA STATE DEPT. OF REVENUE
BILLINGS, MT.
JUNE 28, 1983

Michael Penfold, State Director
Bureau of Land Management
222 North 32nd St.
P.O. Box 50157
Billings, MT. 59107

Dear Mr. Penfold:

The National Wildlife Federation is a non-profit citizens' conservation education organization with 4.2 million members and supporters in the United States. This includes about 2,500 members of the Montana Wildlife Federation, our state affiliate here, and some 8,000 other Montanans who hold membership directly with the national organization. As your agency is well aware, the state and national Federations are extremely interested in the management and use of all our federal lands and are deeply concerned with the possible implications and results of BLM's Assets Management Program. The following comments regarding the plans for Asset Management activities in the Billings Resource Area are based on BLM's Draft Environmental Impact Statement, contacts with BLM officers to obtain additional information, on-site inspections by Federation representatives of many of the parcels listed in the DEIS and contacts with knowledgeable land management and wildlife management specialists regarding the public values of these tracts. The comments are being submitted with the understanding they will become part of the official public record on BLM's plans for the Billings Resource Area lands. The Montana Wildlife Federation will submit its own comments and we expect a number of our individual members to take the opportunity to express their individual views.

To reiterate some of the points made by NWF in its comments on the Dillon Resource Area disposal listings, which we made April 29 of this year, we believe BLM has the authority and the obligation to transfer jurisdiction of some of its lands to other appropriate state and federal agencies, rather than to put these tracts up for sale. We believe that a need does exist to exchange land under BLM's stewardship which have low public values for lands which have higher public values. This exchange should take priority over sales of such lands.

We believe, as we previously stated in our comments on the Dillon tracts, that alleged "difficulty of management" should not be a controlling factor, that some such tracts which are isolated and small still have enough public value to merit their retention regardless of any administrative problems posed your agency. We also believe that exchange of BLM lands suitable for agriculture for other lands with moderate to high public values is preferable, in every instance, to disposing of such lands to encourage subdivision, with all of the problems to agriculture and wildlife attendant to that method of disposal.

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We are particularly concerned, and we cannot stress this too strongly, over statements we have heard that BLM's Billings Resource Area Plan is simply a "model" or a sample of what BLM really intends to put on the disposal block in that resource area. And, as we have stated previously, we believe the entire public information program on all of BLM's Assets Management Program actions in Montana has been sadly deficient. As an example, we understand that each resource area has had an "action plan" developed for use in the land disposal program. Such a plan would be key to public understanding of the implications of both the individual and the total land disposal program, yet these "action plans" have been handled strictly as internal documents despite the fact they represent the real intentions of BLM in this entire process.

As a result, we are asking here that the state office of BLM make these plans available to us in their entirety for each resource area in Montana. Lacking this information, the public is at a loss to determine what BLM's full intentions are and how they will affect our public land base and our citizens here in Montana.

With respect to the Billings Resource Area DEIS, we also are extremely concerned over the obvious short shrift given to wildlife and other public amenity values and the ultimate impacts on both which could and probably will result if many of these tracts are sold. This is particularly true when one considers that the DEIS may contain only a portion of the BLM lands scheduled for disposal. If it is true that the DEIS was designed to serve only as a "model" or a sample of what BLM intends to do with these and a large number of other tracts, the DEIS is worthless as a working tool under NEPA, FLEMA and a number of other federal statutes.

The NW believes, after closely reviewing the DEIS, that it is oriented almost solely toward production of salable commodities and is significantly deficient in addressing other public values or amenities such as fish and wildlife, public use and public access. It appears on review that the DEIS is a document written with the belief that good grazing automatically means good wildlife management and production. Enhancing grazing does not automatically improve habitat conditions for wildlife. There is ample research available to both range managers and wildlife scientists to document this. Good grazing and good wildlife management can co-exist but only if carefully coordinated.

Because of the obvious deficiency in the DEIS as it deals with wildlife, the National Wildlife Federation asks that site specific wildlife improvement plans be developed for every tract managed by BLM. These should be done professionally and updated regularly as any other commodity production or extraction activities are planned for these same tracts. The total lack of any thought about this problem in the DEIS is one of the glaring deficiencies. And, we might add, this should be done by fully competent, professional wildlife biologists and not left up to persons of other disciplines who do not understand or appreciate these relationships and values. While this may sound critical, BLM must recognize that under its current Assets Management Program, the public is receiving very little useful information and on a totally unrealistic time schedule. The public is only resource other than expending thousands of hours and dollars trying to make sense out of these vague and incomplete documents is to again urge the agency to develop a more proper balance in its dealings with private commodities and public values. A glance at the listing of the credentials of those who prepared this DEIS indicates very clearly that such a balance does not exist.

12-4

Adoption of Soil Conservation Service Utilization Standards without modifications which take into account wildlife needs is unacceptable from a multiple-use agency such as yours. Obviously, grazing to the point where only short stubble remains is detrimental to most forms of wildlife.

We also are disturbed by the repetition of the attitude that increased water availability automatically equates with habitat expansion. Water development on rangeland, if it is to benefit wildlife, requires careful coordination by a fully qualified wildlife biologist. All too often, increased stockwater only leads to heavier grazing and less residual or ungrazed cover, one of the primary requirements of many upland and rangeland wildlife species.

The treatment of the timber/wildlife management relationship in the DEIS concerns NWFP because it is, at best, a superficial handling of wildlife needs. In most of eastern Montana's forested areas, the critical limiting factors on big game populations is escape and thermal cover. Both are in short supply. The implication that timber harvest always leads to habitat improvement for wildlife is totally false; competent wildlife managers would never support such a contention.

Listed immediately below are those tracts which we have examined and which we agree could be exchanged for other lands of high public value. While some of these have moderate or higher public values for wildlife, they often are located in areas where land use is not likely to change significantly or are so small that their wildlife values are not significant. These are identified by the code numbers used in the DEIS:

1-D	30-D	37-D	56-D
8-D	31-D	41-D	61-D
21-D	32-D	47-D	66-D
26-D	33-D	48-D	67-D
27-D	34-D	52-D	
28-D	35-D	53-D	
29-D	36-D	55-D	

NWFP recognizes the need for additional protection of riparian habitats in the Billings Resource Areas and would support exchange of the above tracts for such lands.

NWFP recommends retention of 71-D because it is winter range for mule deer. It is close enough to the Stillwater River to provide high public values if BLM could obtain some river frontage in conjunction with this tract.

24-D and 25-D should be retained in public ownership because they represent some of the best habitat for deer. It is possible these lands will be open for public use to some extent in the future and their proximity to state lands makes their retention important. NWFP supports the retention of 26-D because of its pine value as bottleneck wildlife habitat for both birds and deer.

Both 3-F and 4-F should be retained because they have known sharp-tailed grouse dancing grounds and nearby public access. If these go into state ownership, undoubtedly they will be plowed and their excellent wildlife values lost.

12-3

In fairness to the agency, close review of other Assets Management Plan documents for other resource districts do not show them to be so singularly lacking in scope, depth and treatment of wildlife and other public values. It does appear that these latter values received very superficial treatment in the Billings area DEIS.

Of particular concern in this respect is the implication that wildlife conditions improve automatically as livestock forage conditions improve. This notion has been dispelled by many individual studies. For instance, the Nielson study in 1970 when he studied rest-rotation on grazing north of Malta, on the Cottonwood allotment, showed that system of range management to be quite detrimental to sharp-tailed grouse. This is only one of many such studies drawing the same conclusions. Close coordination of range management plans between range and wildlife managers could prevent such wildlife losses and probably benefit both livestock and the grouse population there.

Another example is the plan of BLM to eliminate sagebrush on BLM tracts just north of Fowl and Cody, Wyo., areas which are in the Billings Resource Area. The implication that sharp-tailed grouse would benefit is questionable at best.

The DEIS also appears incomplete in that the preferred alternative of BLM for most tracts does not mention or identify those areas which support excellent wildlife populations and habitat. There are quite a number of these among the BLM tracts and a balanced treatment of resources would call for giving these areas some special management emphasis.

For example, the southeast quarter of Twp. 9, Range 24E, is premium sage grouse country and Twp. 9 S, Range 23E, is above-average habitat for the same species. If these areas are targeted for sagebrush burning or removal, the NWFP must object to that plan strongly because of the heavy hunter use which occurs there.

NWFP concurs with the Montana Wildlife Federation's concern over the lack of any provisions in the DEIS on a site-specific basis for non-game species management or public education or interpretive activities. With the Billings area being one of the largest metropolitan areas in Montana, it would seem inappropriate to neglect this area of management.

While the above comments may have a negative tone, please understand that this is based largely on the fact that we have difficulty in many instances in finding an alternative that NWFP could support. We have no difficulty accepting recommendations for management that would help improve conditions to better maintain existing livestock quotas. But it appears inconsistent that BLM place no emphasis on improving wildlife conditions as part of its grazing management or improvement proposals. In some instances, providing better wildlife habitat might require a reduction in AUM's, while in other instances, increases might be acceptable.

Obviously, the sharing of wildlife and livestock interests in the development of good management plans for each tract will require intensive initial planning followed by well-planned and frequent coordination. It is also obvious that NWFP cannot support any high-rated alternative which proposes an unrealistic increase in AUM's such as one alternative which proposes a startling 58 per cent increase.

12-5

Tracts 69 and 70 should be retained because of their location in a watershed or drainage which provides excellent habitat for sage grouse and mule deer.

There are several areas known to have high wildlife values but may not fit a "key" or "critical" classification presently. Data from the field is not sufficient at this time to permit us to support an unconditional release of these areas. We suggest that a competent state wildlife biologist be requested to investigate each of these sites before any recommendation for exchange or other disposal is made. These include Tracts 20-D, 21-D, 23-D, 8-F and 9-F.

High quality wildlife habitat near an urban area is important. Tract 65-D, which contains high quality sage grouse habitat, fits this criteria and this tract should be retained.

Tracts which can provide a green belt adjacent to residential areas or subdivisions rate high priority for retention. Tract 42-D is an example of this and should be kept for its public values.

Tract 62-D has timbered breaks which are adjacent to farmland and to the city of Billings. Because this tract also contains good wildlife habitat, it should be retained.

Good mule deer habitat is at a premium in areas which are subject to development by subdivision. Tracts 5-D and 6-D are good examples of this and should not be traded, sold or otherwise lost.

Tract 4-D lies close to state land with public access and contains good grouse, pheasant and other upland game habitat. This land should not be traded or sold.

Tract 5-F contains excellent sage grouse and sharp-tailed grouse habitat and is in an area with a very small amount of public land. It should be retained by BLM.

The only other BLM lands we have had time to examine are those tracts in the Bill Mountains which, we understand, contain a limited number of small mines which satisfy local demands for lamp coal. These should be retained by BLM so they will continue to serve that function and should not be traded or sold so as to permit major development.

This concludes the National Wildlife Federation's preliminary comments on the Billings Resource Area DEIS. We ask that these be given careful consideration and be included in the official record. We are willing to discuss specifics referred to herein at any time.

We also ask that BLM continue to advise both the National and the Montana Wildlife Federations of any actions or proposed actions on any BLM lands in this and other BLM Resource Areas and districts in Montana. This includes all announcements of pending actions, plans, hearings, issuance of EIS's, DEIS's, FEIS's, records of decisions, final decisions and notices of realty actions which in any way relate to the Assets Management Program.

We might add that we are frankly disturbed by information that comments by groups will be given only as much weight in your decision-making process as single pieces of correspondence from individuals. We believe this to be completely out of compliance with the federal statutes calling for BLM to exercise its obligation to fully inform the public of its actions and plans and to provide for honest and full public participation and input.

To assist your agency and its various offices in Montana in making certain that we are kept fully informed and abreast of the agency's programs and plans, we request that all relevant information be sent to both of the addresses listed as follows:

12-6

Charles J. Griffith
Regional Executive
National Wildlife Federation
12 Gardner Park Drive
Bozeman, MT. 59715

Daily Stomington
Executive Director
Montana Wildlife Federation
P.O. Box 3526
Bozeman, MT. 59715

Thank you for the opportunity to comment for the record on the
Billings Resource Area DRIS.

Sincerely,

Charles J. Griffith

Charles J. Griffith
NWP Reg's Executive

13-2

elsewhere if too many horses are lost to removal and natural
attrition.

Very truly yours,

Russell J. Gaspar
Russell J. Gaspar
Attorney for American Horse
Protection Association, Inc.

cc: Joan R. Blue
Hope Ryden

- 2 -

13-1

Law Offices
BARRETT, HANNA, DALY & GASPAR

800 N STREET, N.W.
WASHINGTON, D. C. 20007

July 14, 1983

DAVID H. BARRETT
ROSEAN V. BASTIN
FRED R. DALY
RUSSELL J. GASPAR
NAT L. HANNA
LAWRENCE S. HOFFMEIER
CALVIN P. JOHNSON
JOHN H. MONTGOMERY
ROBERT L. OSWALD
JOHN E. SCHULER
NANCY A. MURRAY

OF COUNSEL
HAROLD E. HOTO
EDWARD J. BELLAN
FRANKFURT, WEST GERMANY
* LIMITED TO PRACTICE
IN WEST GERMANY

Jerome M. Jack
Manager, Billings Resource Area
United States Bureau of Land Management
810 North Main Street
Billings, Montana 59105

Dear Mr. Jack:

I am enclosing for your reference a copy of the comments
submitted by the American Horse Protection Association to the
Montana State Office regarding the Billings Resource Management
Plan and draft EIS.

For the reasons set forth in those comments and expressed to
you by Hope Ryden in her letter of July 9, AHPA believes that a
roundup of horses in the Pryor Mountains is unnecessary this year.
This is particularly true of a removal of 30 - 40 horses, as was
originally proposed. The current population is very close to the
target population set in the EIS, even accepting that target as an
accurate reflection of the Range's carrying capacity. The fact
is, however, that the Range certainly can support more horses than
the EIS estimates.

We have discussed at length the risks associated with
reducing the Pryor herd too far. Avoidance of these risks is
especially important due to the unique physical characteristics of
the Pryor horses. Since BLM removed a large number of animals
last year, AHPA believes that this year's roundup should be
approached with far more caution. Even assuming that inaction is
an error, it would be far better to err conservatively. The Pryor
herd is small, and its characteristics cannot be reproduced

13-3

Law Offices
BARRETT, HANNA, DALY & GASPAR

800 N STREET, N.W.
WASHINGTON, D. C. 20007

July 14, 1983

DAVID H. BARRETT
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OF COUNSEL
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* LIMITED TO PRACTICE
IN WEST GERMANY

Michael J. Penfold
State Director
United States Bureau of Land Management
222 North 32nd Street
Billings, Montana 59107

re: Draft Environmental Impact
Statement, Billings
Resource Area

Dear Mr. Penfold:

I am writing on behalf of the American Horse Protection
Association, Inc., and Hope Ryden to comment on the draft EIS for
the Billings Resource Management Plan. By way of preface, AHPA
agrees with and supports Miss Ryden's oral comments at the public
meeting in Lovell on June 1, and the written comments she has
previously submitted.

AHPA's principal criticism of the EIS is its decision to
establish a target population of 121 wild horses on the Pryor
Mountain Wild Horse Range. A herd of 121 horses is the basis for
analysis of all of the alternatives, and, from the tone of the
draft (e.g., draft at pp. 35, A-32), apparently is regarded by BLM
as the most likely long-term population, regardless of the
alternative selected.

The population target is in part a function of the forage
production data developed during the 1981 range survey. As Miss
Ryden has noted, that survey probably produced somewhat
conservative forage production values; last year's rains certainly
must have improved forage conditions and provided a greater degree
of flexibility in managing the Pryor herd. As a result, the
estimate of total AGM production set forth in Appendix 2.3 may
well be on the low side.

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Paul J. Penfold
July 14, 1983
Page 2

Of more importance is the use of a 1.25 conversion factor in determining how many wild horses the estimated ADMs can support. ARPA wants to reiterate, in the strongest possible terms, that that conversion factor is clearly not in accord with the research recently conducted under the auspices of the National Academy of Sciences. As a result, the wild horse carrying capacity computed in Appendix 2.3 is erroneous.

The NAS study found, on the average, that mares consumed about 14 percent more forage than cows. The differential was greater for lactating mares, but considerably less for non-lactating mares. The study did not measure consumption rates for male or immature horses. However, it noted that the consumption rates of mature female horses did not vary significantly by the weight of the animal. This implies that consumption by mature mares probably is not too different from non-lactating mares. Consumption by immature animals is probably much less.

In the context of a wild horse herd, this means that average consumption per animal is nowhere near 25 percent greater than that of the typical lactating cow/calf unit that is assigned one ADM for RMA planning purposes. As Miss Ryden has noted, the large majority of horses in a wild herd will be non-lactating mares, immature animals and stallions, all of which will probably consume less forage than a lactating cow. On a herd basis, therefore, this compensates for the higher level of consumption by lactating mares and draws average horse consumption down to a level close to that of a lactating cow.

Therefore, the draft should be modified to use one ADM as the monthly unit of consumption for wild horses. This would set the range's carrying capacity at 152 horses. In addition, it would make the draft consistent with many other grazing EISs ARPA has reviewed, nearly all of which use one ADM per month as the unit of wild horse forage consumption.

ARPA agrees with the draft's proposal to reduce the current female/male imbalance in the Pryor herd, provided that RMA establishes the ratio at approximately 50/50. The use of the phrase "heavy to studs" (draft p. 35) is of concern to ARPA, since it implies the preponderance of male horses is RMA's goal. That is not desirable, and ARPA opposes it.

As the draft notes (p. 159), correcting the male/female imbalance will lower reproduction rates to a level close to natural mortality rates. This will slow the herd's growth rate considerably, reduce the need for frequent roundups and

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Paul J. Penfold
July 14, 1983
Page 4

I have enclosed the photographs referred to in Miss Ryden's comments, and ask that they be made part of the record.

ARPA looks forward to your response to these comments, and will be happy to discuss them with RMA personnel as the Final EIS is prepared.

Very truly yours,

Paul J. Penfold
Russell J. Gaspar
Attorney for American
Protection Association, Inc.

cc: Joan R. Blue
Hope Ryden
Jerome W. Jack

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Paul J. Penfold
July 14, 1983
Page 3

substantially reduce costs associated with the wild horse program. ARPA believes that RMA's efforts to correct the imbalance in the sex ratio should be coordinated with its efforts to perpetuate the unique characteristics of the Pryor Mountain horses. That is, the removal of excess animals (especially excess mares) should concentrate on those animals that clearly do not contribute to the outstanding array of colors and other characteristics found only in the Pryor horses. However, more intensive management activities such as relocating stallions for the purpose of genetic manipulation should be avoided. For this reason, (and to prevent opening the range to mineral and timber operations), ARPA opposes implementation of the high level management alternative.

ARPA is in accord with the other points made in Miss Ryden's comments. In brief, these are as follows:

1. ARPA supports the proposal to purchase 2,240 acres of additional land for the Pryor Mountain Range;
2. ARPA questions the need for seven additional miles of fence. In particular, since the need for roundups probably will be reduced as the male/female ratio of the herd is normalized, why are an additional two miles of fence needed to improve "the efficiency of capturing the horses" (p. 35)?
3. ARPA is concerned by the reference in the draft to the "long-term significant impacts" on wild horse management that are expected if the wilderness study areas are in fact designated as recommended (p. 160). What are these impacts? Why are they significant? The draft is woefully short of data on this point, and must be supplemented.
4. ARPA recognizes that the construction of five additional water catchments (p. 35) could improve grazing distribution by wild horses and thereby increase the range's carrying capacity. However, that assumes that the new catchments will be used. As Miss Ryden notes, the two existing catchments aren't in use. It is futile to build additional unused equipment. The draft should be more explicit about the purpose, location and intended use of the existing and planned catchments, and explain why such a considerable investment of funds will be worthwhile.

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DEPT. OF LAND MANAGEMENT
BUREAU OF LAND MANAGEMENT
183 JUL 15 1983

C.E. Hitch
252 Abbey Court
Billings, MT 59105
RECEIVED
BILLINGS RA

Michael J. Penfold, State Director
Bureau of Land Management
P.O. Box 30197
Billings, MT 59107

July 13, 1983

SUBJECT: Comment Draft EIS Billings Resource Area

Dear Mike,

Old habits are hard to break--somebody gave me a copy and I started scratching with pen and pencil.

For the most part, this EIS reflects the long trail that the procedure has been. It is quite readable and not as long or detailed as were some others. It does have some overlap of problems with coal, oil, gas, grazing, wild horses, and OHV, so it is a commendable effort.

One area of coverage I find rather short. You have a dispersed and broken ownership pattern in Montana. This EIS covers an area where it is more so. You have a lot of small tracts. It is mentioned on page 1, column 2 and on page 79 under recreation. Almost all the rest of the write up chooses to ignore it and act like it just isn't so. I would think you could have tapered, maybe avoided, some of the attacks on the land adjustment program if this situation had been explained more. There is mention of this with the discussion of the "C" classification of grazing permits, but, again, passed off very lightly. The statement, page 167, column 1, concerning the need for cooperation in weed control would be equally true on all management for these small tracts.

The land adjustment program is a real tiger to the small livestock operator as you have probably heard. Nightly acres of rocks with a few trees and topographically very hard to get such use of, if there is even forage to be sold. There is usually somebody who would like to have "their ranch." If the rancher doesn't or can't cut him then the negative values start. Fences and fence troubles, access troubles with layover fees and years of kids, pets, and traffic in the middle of a grazing program. They are the ones that are in a bind but that does not wipe out the need to resolve some of the scattered tracts.

I have long supported your efforts to concentrate the wild horses and their problems in the NWHR. I do question the assumption that adjustment of numbers will achieve adequate management--page 35, column 1, page 59, column 2 and page 119, column 1. This is especially so given the range condition shown on page 6. Adjustment of numbers usually narrows the impact areas but does not result in such overall improvement. I also question the conversion factors used on these horses to adjust the grazing. I have used a 1.5 or 1.75 ADM per horse month for thirty years. In a couple cases where

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NORTHERN PLAINS RESOURCE COUNCIL

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ENV. ED _____ WULF _____
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PLAN _____

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Submitted by the
NORTHERN PLAINS
RESOURCE COUNCIL
July 15, 1983

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GENERAL COMMENTS

Bull Mountain Coal Lease Recommendations

The Bull Mountains are widely recognized as a unique area, a productive agricultural area, and an area with abundant wildlife and incomparable scenery. The existing land use plan for the area, the 1973 Bull Mountain and Buffalo Creek Land Use Recommendations ("1973 RMP"), recommended that federal coal in the Bull Mountains not be leased, because:

"It is not known whether the Bull Mountains topography, geology, hydrology, or soils would permit successful reclamation, and the Ponderosa Pine ecosystem probably could not be reclaimed; the coal bed is such that mining would disturb a large surface area per ton of coal produced, compared to other coal in the region, and it only makes up 0.22% of all strippable coal in the Fort Union formation;

"a relatively large non-coal producing area would have to be removed from production, compared to other areas in the Fort Union region; and

"the mineable coal bed lies in a circle around the Bulls, so that erosion would be a serious problem, and reclamation of critical drainages to their original form would be "impossible".

The RMP added that "(i) if a significantly higher degree of national commitment to coal develops, these recommendations would be reconsidered..."

The national commitment to coal has not significantly increased since the days when the RMP was adopted—at the height of the "energy crisis". Certainly, demand for new coal mines in the West, and the long term prospect (into the next century) for increased demand, is far less than it appeared to be in 1973.

The Draft RMP decision, reversing the finding in the existing plan, finds areas in the Bull Mountain coal fields as acceptable for leasing. That decision is unexamined, and is not justified anywhere in the plan. The document makes no attempt to explain the change, or to show the need for this decision. The Draft RMP fails to analyze the unique local resources in conflict with that decision, or to modify or update its earlier findings regarding the unresolved problems of stripmining in the Bull Mountains and the relative insignificance of the coal resource that would be "lost" if it were not mined.

The RMP does not discuss any changes to the information on which the 1973 decision was based. If there have been any such

1. There are a few, brief discussions of the effect of mining on other resources, but they are incomplete, and so vague that the discussion could apply to any other coal area in the West. Very little in the way of localized data was collected, and no discussion or evaluation specific to the Bull Mountains is included.

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Billings Resource Area Draft RMP
Page two

changes, they could only lend further support to, and confirm, that original decision. The coal market in the West has stopped its exponential growth, and is leveling off. Demand for new federal coal leases, already weak, has been glutted by the recent Powder River coal sale. Any conceivable demand can be met with the federal coal already under lease. Western coal mines are, generally, in areas that are much easier to reclaim, with less surface disturbance per ton of coal, and less associated off-site disturbance, than would be true of Bull Mountain mines.

On the other hand, BLM has provided no new information in the RMP to indicate that reclamation in the Bull Mountains is feasible, that groundwater can be protected, that surface drainage erosion can be controlled, that Ponderosa Pine can be reestablished, or that there is or will be a need for the coal.

Instead, the RMP is based on two erroneous assumptions. First, BLM has assumed that its obligations to evaluate the conflicts between stripmining and other resources, to analyze impacts, and to propose steps to mitigate impacts of plan decisions, all can be fulfilled simply by noting the existence of the Surface Mining Control and Reclamation Act. Time and again, the RMP assures the reader that SMCR will mitigate the various impacts of mining. This is plainly inadequate to meet the requirements of the Federal Lands Policy and Management Act (FLPMA), and the National Environmental Policy Act (NEPA). SMCR does not prevent all impacts from occurring, and its existence does not automatically prevent any impacts from occurring. However, BLM has not even tried to analyze whether SMCR requirements could be met, (as it is required to do in the Federal Lands Review in each land use plan, under section 522(b) of SMCR). Even if SMCR did require that no impacts occur from mining, BLM has an obligation to assess, in this plan, whether SMCR's requirements could be met.

Second, BLM apparently assumed that its duty was to screen lands and pass land forward to activity planning—that is, all land that was not (for some specific reason) unsuitable, should be leased. This turns the commands of FLPMA, the Federal Coal Leasing Amendments Act (FCLAA), SMCR, and implementing regulations on their head. The statutes cited say that no coal may be leased unless it has passed through the required planning steps. The statutes do not say that all coal that is not eliminated must go forward to leasing. Yet that is the assumption on which the RMP decision was based.

That BLM was operating from this assumption can be deduced from the fact that there is no discussion whatsoever, anywhere in the RMP, of the reasons behind the decision to choose the "High Level" Management Alternative over the existing management alternative.

If there are no reasons to change the recommendation of the existing land use plan, there are several reasons not to change that decision.

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NPRC Comments
Billings Resource Area Draft RMP
Page Three

First, most surface owners are opposed to leasing in the Bull Mountains, and very few are in favor of leasing (most of the latter are unqualified surface owners). It is clear that a "significant" number of surface owners are opposed to leasing in this area and that the area (the entire coal field, not just the coal under the land of opposed surface owners) should be eliminated from further consideration under BLM's regulations (43 CFR 3420.1-4(f)(4)(ii)).

Second, most of the inventory and application of the unsuitability criteria (43 CFR 3461) applicable to the Bull Mountains has not been completed, or received any mention at all in the plan. There is no reason to further consider the coal for leasing until the application of criteria is completed. Since there is no pressing need for the coal, and since land use planning is the proper and most efficient time to apply the criteria, the Bull Mountain coal field should not be considered for leasing until the plan is reviewed in the normal planning cycle, or until the plan is amended, and it includes the complete application of all unsuitability criteria.

Third, the RMP analysis of the coal decisions is inadequate. It fails to analyze conflicts with other resources in the comprehensive manner required by FCLAA, and it fails to analyze the impacts of its decisions on the resources and environment that may be impacted as required by NEPA. The RMP fails to provide a meaningful multiple-use analysis, or to summarize or display the results of the "multiple-use screen" required for coal lands. (That "screen" does not constitute BLM's full obligation to study any lands recommended for lease in a comprehensive land use plan, in any case; it is merely a descriptive term used in the coal leasing regulations.) The RMP fails to display the results of the application of the various unsuitability criteria which were applied on a map, or to discuss the application process anywhere in the narrative. The RMP also fails to incorporate into either its multiple-use or EIS analysis—the requirement of FLPMA planning regulations (1601.0-8):

...the impact on local economies and ways of adjacent or nearby non-federal lands and on non-public land surface over Federally-owned mineral interests shall be considered. (Emphasis supplied.)

Finally, there is no need to recommend areas for leasing in order to lease coal to maintain production at existing mines in the Resource Area. Any needed leasing for this purpose

2. This raises the issue of whether the RMP coal decisions are in compliance with 43 CFR 3461 regulations. The plan does not say when the unfinished studies will be completed, as those regulations require, nor does it explain why they weren't completed.

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NPRC Comments
Billings Resource Area Draft RMP
Page four

can be accomplished through applications for lease.

For all of the above reasons, BLM should adopt the "Existing Management" alternative for coal leasing in the final plan.

New Coal Exchanges

The recommendation, that federal coal be considered for exchange, should be dropped from the final plan. The only potential exchange would be for the purpose of "consolidating" checkerboard coal ownership patterns. As NPRC has conclusively demonstrated in our comments on, and protest of, the proposed BN-BLM exchange at Circle West, section 206(a) of FLPMA does not authorize coal exchanges for this purpose.

The only party that might be interested in such an exchange, and the only party with any resources to possess for exchange, is the Burlington Northern Railroad and its wholly owned subsidiaries. The United States Congress has expressly stated its finding (in section 2(c) of the Mineral Leasing Act of 1920) that it is not in the public interest to allow railroads like BN to haul coal and mine coal concurrently. By definition, then, a "consolidation exchange" in the Bull Mountains cannot ever be in the public interest.

BLM has no guidelines or procedures for evaluating such exchanges. Hearings will be held in the Senate Energy Committee to investigate the propriety of BLM-railroad coal exchanges in the near future. Pending BLM-railroad exchanges are the subject of administrative review, and any very well be decided by the judicial branch. A decision to recommend areas for "consolidation exchanges" would be premature in light of the lack of BLM policies, procedures, and guidelines; it would be an effort to the Senate Energy Committee; and it could be preempted by administrative or judicial review.

The recommendation is also premature in light of the incomplete nature of the application of unsuitability criteria in the area recommended for exchange.

An exchange with Burlington Northern or its affiliates would clearly violate the public interest, and it would be a blatant evasion of the expressed will of Congress. NPRC

4. There is no need to reiterate the argument here; our comments and protest of the proposed exchange are hereby incorporated by reference. We also note that BLM does not seriously consider these exchanges to be section 206(a) exchanges—otherwise, the recommendation made here would have been in the "land tenure adjustment" section of the RMP. There is no authority anywhere in the coal program for "consolidation" exchanges.

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Page five

195 cont. and its members in the Bull Mountains have no intention of allowing any such exchange to go forward, for all of the above reasons. We urge, in the strongest terms, that this recommendation be deleted in the final RMP. At a minimum, we suggest that BLM clarify that no exchange with Burlington Northern will be considered in the Bull Mountains.

Asset Management ("Land Tenure Adjustment")

The Northern Plains Resource Council is not opposed to sales of the public lands, if such sales are conducted fully according to the requirements of the law. (NPRC is opposed to programs which attempt to reduce the federal deficit through land sales, or which otherwise dispose of lands other than through a case-by-case review as required by FLPMA.) The disposals recommended in the Draft RMP have not been conducted, thus far, in full compliance with existing law. Instead, the RMP appears to be oriented towards a general disposal program, with inadequate attention paid to the pre-sale requirements of FLPMA.

The analysis in the RMP is inadequate as a basis for selling tracts of land. The first sentence of FLPMA reads:

Section 102. (a) The Congress declares that it is the policy of the United States that--

(1) the public lands be retained in federal ownership, unless as a result of the land use planning procedure provided for in this Act it is determined that disposal of a particular parcel will serve the national interest. (Emphasis supplied.)

The RMP does not discuss the impacts of, or evaluate, any "particular parcel" of land. The RMP merely lists criteria (in the Appendix) allegedly applied to the "Land Tenure Adjustment Area". There is no description, even, of the process by which this vague list of criteria was applied--much less an analysis of how the criteria were used to arrive at the recommendation to dispose of individual parcels made in the RMP. There is certainly no indication at all of how the determination required under section 203(a) of FLPMA was made for each tract.

NPRC is very concerned about the RMP's allusions to disposal of land outside the "Tenure Adjustment Area". The procedure to be followed is not clearly defined; but it appears that BLM intends to apply the "criteria" to almost 90% of the Resource Area and recommend lands for disposal, wholly apart for the land use planning and EIS process required by Congress. BLM should keep in mind that each parcel may be disposed of unless such disposal is specifically determined to be in the public interest in the plan. Publication of

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197 cont. disposal criteria in the Appendix does not meet this requirement. BLM may not dispose of any parcel of land through any subsequent review unless it is accomplished through comprehensive land use planning fully meeting the requirements of section 202 of FLPMA.

SPECIFIC COMMENTS

CHAPTER 1--PURPOSE AND NEED

P. 3--Areas of Critical Environmental Concern are listed as an issue not analyzed as part of the land use plan alternatives, because there were "none identified".

FLPMA regulations, 43 CFR 1610.7-2, require that areas having ACEC potential "shall be identified and considered throughout the resource management process" and that inventory data shall be analyzed to determine that potential. In order to have potential, ACECs must have some significant value, and some regional or national importance.

It is difficult to believe that there is really nothing in the entire area--which includes the Yellowstone River, the Elk habitat of the Bull Mountains, and the Pryors--that would qualify as having the potential for ACEC designation. It is plain that BLM has failed to meet its obligation here.

The RMP then says that "if such areas are identified, and their resource values cannot be protected through other management techniques, ACEC designation will be proposed."

What process will be used to identify such areas? Will BLM step up its inventory efforts (also required by FLPMA) in order to identify these areas? How will the public be involved in this process?

FLPMA says nothing about limiting the study of potential ACECs, or the designation of ACECs to areas where no other means of protecting values exists.

P. 4--Wildlife programs are listed as a Billings Resource Area Responsibility not analyzed as part of the land use plan alternatives. The first sentence appears to refer to coal lease activity planning. If this is correct, the RMP should say so.

However, if this is the meaning of the sentence, BLM has ignored its responsibilities to conduct this wildlife program in the plan (43 CFR 3461).

Another program "not analyzed" in the alternatives is the "Land" Program, including proposals to exchange subsurface acreage. This paragraph should be clarified in the final to note that FLPMA, and BLM exchange regulations, clearly require that any parcel of land to be exchanged or acquired through

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200 cont. exchange must be found suitable for such acquisition in a plan or plan amendment, and that any such exchange proposal would therefore require consideration in the alternatives in this plan, or a plan amendment. This comment also applies to proposals to purchase public lands.

Major Issues (P. 7)

Coal Leasing: "...a decision is needed on those areas which are acceptable for leasing".

201 This is the only statement concerning the need for the coal decisions in the RMP, and it is clearly inadequate. There is certainly no need to lease. The "need" referred to here should be identified in the final RMP, unless BLM adopts the "Existing Management" alternative for leasing.

202 The description of the "Multiple-use Screen" erroneously indicates that land must be found "unsuitable" through this process. In order to be eliminated from consideration for leasing, there is no such requirement. Rather, what must happen at this step is that the conflicts between coal mining and other resources (public and private) must be analyzed, and a determination made as to what uses should be allowed, and how impacts to other resources may be mitigated. See 43 CFR 3420.1-4(f)(3).

No matter how described in this chapter, there is no evidence that multiple-use decisions were ever made for the coal lands recommended for lease in the Draft RMP.

P. 8

Land Tenure Adjustment: The RMP says that the disposal and retention criteria "will be applied to the remaining lands outside the Land Tenure Adjustment Area."

203 When will these criteria be applied? How will they be applied? How will the requirements of section 102(a) and section 203(a) of FLPMA be met?

CHAPTER II--ALTERNATIVES

Existing Management Alternative

P. 17--Coal Leasing: "Industry has expressed interest in federal coal from the Bull Mountain and Joliet-Fromberg fields for both underground and surface mining potential."

204 Who expressed interest? When was it expressed? How much coal was requested in the expression?

Land Tenure Adjustment: The RMP says that there would not be much increase in disposal under this alternative, based on the current level. However, on the basis of current administration proposals for land tenure adjustment, these trends could be increased substantially.

205 The proposals for adjustment from the administration should

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205 cont. be fully described. How would these proposals "increase trends" (sic)? If there were more "adjustments", then the alternative would no longer be the "Existing Management" alternative.

206 The third paragraph (p. 8, col. 1) describes the development of the adjustment criteria and their use by BLM. The procedures outlined here, especially for areas outside the "Tenure Adjustment Area", do not meet the requirements of the law for disposal of parcels of land, as discussed in the General Comments, above. The Land Tenure Adjustment proposal here is not part of "Existing Management". Anyway, the Land Pattern Review and Adjustment Project Management Plan is not listed in the Glossary as cited.

Low Level Management Alternative

P. 25--Wildlife: The discussion should include a recommendation to inventory for and apply the wildlife unsuitability criteria to areas found acceptable for leasing pending further study.

207 Coal Leasing: The RMP says that no mine size or mining method is proposed. This appears to conflict with the earlier statement that there is industry interest.

208 The 1986 timeframe for opening a mine in the Bull Mountains is unlikely, since coal could not even be leased until at least 1986.

The assumption that 30,000 tons per year would only disturb 3 acres is extremely optimistic; most of the coal in the field doesn't approach 17,000 tons per acre. Moreover, this ignores the disturbance required on areas which will not be mined. More importantly, the analysis of this hypothetical case is improper in the EIS. The analysis should focus on the decision, which is to make over 2,000 acres available for leasing.

209 The RMP statement that bond release would come after reclamation is "successful", which would be "possibly 15 years", should be deleted. The 15 year period is simply a guess, and has no place here. The implication that reclamation will be successful is improper, since the plan does not even try to assess the feasibility of reclamation as required under FCMA and section 522(b) of SMCRA.

210 The RMP objective is to lease all suitable coal in which interest has been expressed; BLM will recommend to the RCT that "all coal in the Bull Mountain field which passed through the resource and environmental planning steps be considered as acceptable for further leasing consideration."

The "resource and environmental planning steps" mentioned should be described. How does this recommendation constitute "Low Level Management"?

The RMP then finds the coal to be acceptable for "leasing or exchange". The implication is that the decision to consider for leasing is equivalent to a decision to exchange. The two

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processes differ greatly. It is not valid to simply assume, as the RMP does, that if given lands are suitable for leasing, then they are suitable for exchange.

Coal exchanges are a land tenure adjustment action, under section 206(a) of FLPMA (or, at least, to BLM has alluded with regard to the proposed BN-BLM exchange at Circle). Nothing in the Federal Coal Management Program or 43 CFR regulations provides for finding coal suitable for "leasing or exchange".

The RMP says that "(c) coal exchanges would be considered when it's in the public interest to 'block up' Federal mineral holdings."

When is it "in the public interest to block up federal mineral holdings"? How will this be determined? What specific steps would insure that the public will be involved in determining what criteria are used to make this determination, and in making this determination?

The RMP should note that Congress has found that exchanges with railroads such as Burlington Northern are never in the public interest, as noted in General Comments, above.

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Page 26--As we have discussed, the RMP should contain a map specifically showing the areas found suitable for leasing pending further study.

Page 28--Figure 2.8: The RMP says that "final determination of Alluvial Valley Floors has not been made." Are the possible AVF areas being further considered for leasing or not? If they are being considered, when will the final determination be made?

There is no discussion or description, anywhere in the plan, of how the unsuitability determinations displayed in this figure were made--whether any exceptions were applied, why they were applied, etc. A description of this process must be included in the plan.

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Figure 2.8 lists 9,535 acres as "acceptable for further consideration" pending application of criteria #7 and criteria 9-15. When will the application of these criteria be done? What steps will be taken to insure adequate public involvement? Discussion of both of these points is required in the plan by 43 CFR 161.1-1 (b) (1).

The authorized officer shall make his (unsuitability) assessment on the best available data that can be obtained... the comprehensive land use plan or land use analysis shall include an indication of the adequacy and reliability of the data involved. Where either a criterion or exception... cannot be applied during the land use planning process because of inadequate or unreliable data, the plan or

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be recommended to the RCT for special consideration. (If these are only meant to be considered generally, and no specific resources or values on any particular piece of land are referred to, the recommendation is meaningless--NEPA already requires such consideration, and the RCT has repeatedly pledged to take such values into consideration.)

How would "less acreage" be considered for lease? What specific acreage is being recommended to the RCT for special consideration? The description here should be expanded, to indicate more clearly how the "High Level Management" alternative differs from "Low Level" management.

If there are any concrete differences, or any specific suggestions to be made to the Regional Coal Team, they should be listed and analyzed here in the plan (43 CFR 3420.1-4(a)).

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The High Level Management Alternative again recommends coal lease exchanges "when it's in the public interest." High are exchanges in the public interest? "Blocking up" federal coal is not a reason to exchange under the federal coal management program. Coal exchanges under that program are exchanges specifically authorized by Congress, or exchanges to compensate lessees who were denied the right to develop because of environmentally sensitive areas, or under the alluvial valley floor exchange program. There is no authorization for BLM to exchange "block up" coal for federal coal management purposes.

Both the Low and High management alternatives which say that coal exchanges will be considered conflict with the State Director's decision of March 6, 1982, that no other coal exchanges will be encouraged while the proposed Meridian Exchange is being processed.

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P. 33--Land Tenure Adjustment: The RMP says that "(priority consideration would be given to exchange proposals... which... may expedite future mineral development."

There is absolutely no foundation for this part of the recommendation in FLPMA. It is not a policy objective in FLPMA (and all exchanges must meet some policy objective). It is not listed in the law, or in exchange regulations, as one of the criteria for an exchange. Moreover, BLM has no policy guidelines, or criteria for determining which (if any) mineral exchanges might "expedite future mineral development." Given this, it is inappropriate to give "priority consideration" to such exchanges.

What is the effect of giving "priority consideration" to an exchange proposal in the planning process?

The RMP says that more acreage than is recommended for disposal in the document would be available for disposal in the "long term" under section 203(a) of FLPMA, and lists the criteria from the law which allow disposal.

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analysis shall discuss the reasons therefor and disclose when (in) activity planning... the data needed to make an assessment with reasonable certainty would be generated. When those data are obtained, the authorized officer shall make public his assessment on the application of the criterion... and allow opportunity for public comment.

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P. 29--Land Tenure Adjustment: "No sales or exchanges would be processed in the short or long-term." This statement conflicts with the coal leasing recommendation to find the coal suitable for lease or exchange.

High Level Management Alternative

P. 31--Wildlife: As with the low level alternative, there should be a recommendation to complete the application of wildlife unsuitability criteria.

There is no discussion of any change in the recommendations for protection of wildlife in potential coal leasing areas. For example, an area could be declared unsuitable, instead of proposing merely to attach stipulations to a lease. It is unusual that BLM would ignore this, since the impact of leasing recommended in this alternative is significant to wildlife, and since such a change would help distinguish the high and low level coal leasing alternatives (which are otherwise indistinguishable).

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P. 32--Coal Leasing: the RMP says

Coal leasing may be restricted where it conflicts with locally important resource values. The resource area would recommend to the Powder River Regional Coal Team that it give special consideration to any such values when designating and ranking coal tracts. These values include concern (sic) for productivity of agricultural land, groundwater resources and prevailing social and economic conditions. These considerations when applied during activity planning, could result in less acreage being offered for lease than in the Low Level Management Alternative.

The restrictions on coal leasing discussed here are all supposed to be applied during land use planning, under the law, regulations, and BLM's own description of the process in this RMP. There is no mention (here or elsewhere in the RMP) of what specific values would

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Significantly, the RMP omits from its quotation from FLPMA that section 203(a) of FLPMA allows disposal only if the criteria are found to apply to a parcel of land "as a result of land use planning required under section 202 of this Act." BLM may not dispose of land under section 203(a) criteria unless that land is studied and the section 203(a) criteria applied in this land use plan.

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The High Level Management Alternative also says

Lands which have been placed in the further study category and public land outside of the Land Tenure Adjustment Area would be evaluated using criteria defined in the Land Pattern Review and Adjustment Project Management Plan developed by the Montana State BLM office after the completion of this RMP.

How would these lands be evaluated "after completion" of the RMP? As noted above, this can only be through a full plan amendment meeting all of the requirements of section 202 of FLPMA and the planning regulations for amendments. The evaluation method for these lands should be clearly spelled out in the plan.

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Preferred Level of Management Alternative

There is no explanation of why any alternative for a resource was selected as the preferred alternative, an inexplicable omission from the RMP/EIS. NPRC is particularly curious about why the High Level Management Alternative was selected instead of the Existing Management Alternative for coal leasing and "land tenure adjustment."

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P. 40--Table 2.5, Summary of data for the Four Alternatives: Footnote 1 says that

unless the coal lease acreage is increased, at the present production levels the company will exhaust the coal reserve within the leasehold within 2-4 years.

Accordingly, under the Existing Management column in the table, annual production drops to "0" in the long term.

However, the Existing Management alternative includes a recommendation to lease coal to keep this mine operating (see Draft, p. 17).

Data on the acreage found unsuitable and suitable under the various alternatives should be included in the table.

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P. 41--Table 2.5, continued: There are no data given for the land not within the tenure adjustment area. Are these lands recommended in the plan for further study? For Retention?

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222 cont.
For exchange or disposal? If they are recommended for further study, how will that study be carried out?
Obviously, section 102(a) of FLEMA requires that these lands be recommended for retention, since they have not been recommended for disposal in a comprehensive land use plan.

Summary of Environmental Consequences by Alternative

223 P. 44--Continuation of Existing Management Alternative, Coal Leasing: the summary should include the acreage that would be leased to maintain production at existing mines.

224 Low Level Management Alternative: The summary should include a discussion of the impact of leasing and development on ecological range condition, native vegetation, watershed, hunting and fishing, cultural sites, ranch income and operating expenses, and socioeconomic impacts. The only impact of coal leasing mentioned is that there would be "harassment and relocation" of wildlife. This statement clearly understates the impact, and is not supported by sufficient evidence in the rest of the RMP/EIS.

224 P. 45--High Level Management Alternative: Again, the summary should include a discussion of the impact of leasing and development. Here, for some reason, there is no mention of the impacts of mining on wildlife.

225 Under Land Tenure Adjustment, the summary of impacts indicates that approximately 9,000 acres of Federal land in the area would be disposed of, and that this figure is insignificant compared to the entire resource area.

225 For some reason, the summary fails to estimate the impacts of "Land Tenure Adjustment" on land ownership patterns outside the adjustment area, though such adjustment is recommended in this alternative. That represents over 90% of the planning area, and BLM has made no attempt to analyze the impacts of its decision here.

225 Within the adjustment area, nearly 30% of all federal lands are proposed for adjustment, and over 14% are proposed for sale. That is, clearly, a significant portion of the land under BLM management.

226 P. 46--cultural sites: The RMP says that impacts to 68 cultural sites would be "insignificant due to mitigation." It is difficult to understand what this means or what BLM is proposing here when the mitigation referred to and the sites in question are not discussed in the RMP. The specific mitigation proposals must be discussed and evaluated in the plan.

227 The only impact of disposal of the public lands which BLM identifies in this summary, and which BLM considers to be significant, is on the psyche of groups favoring or opposing disposal (p. 46, col. 2, paragraph 49).

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233 cont.
this study be completed? Will there be an opportunity for public review and comment? How can the decision be made to lease this area without such pertinent data on water quality?

234 P. 75--Wildlife: The RMP should make clear whether the 51,800 acres of muledeer winter range "on public land" includes winter range over federal coal estate. The same comment applies to the discussions of antelope habitat (p. 76), Elk habitat (p. 76), sage grouse and sharptail habitat, and turkey habitat (pp. 76-77). This is especially important for Elk. It appears that the public land figure (1N) could not possibly include Bull Mountain Elk habitat over federal coal. This would be an incorrect calculation, since the definition of federal lands includes lands where BLM manages only the mineral estate.

235 P. 77--Threatened and endangered species: Has BLM done an inventory for threatened and endangered species in the areas recommended for coal leasing?

236 P. 80--Visual Resources: the inventory for visual resources was not completed for the entire area. Was it finished for any or all of the areas recommended for lease? What were the results, if any?

237 Cultural Resources: It is clear that no inventory has been done for cultural resources in the Bull Mountain coal fields. This should be clearly stated. The conclusions, which are based on extrapolations and guesses, seem to be expressed with a greater degree of confidence than is warranted. What is the distribution of prehistoric sites in the Bull Mountains (Table 3.11)?

Social and Economic Conditions

238 P. 105--The discussion of "ranch related economic conditions" mentions 43 ranches that would be affected by this plan. All are those with grazing allotments.

238 BLM completely fails to recognize that federal coal leasing and development affects ranches (whether over coal to be leased, or nearby) just as surely as a cut in grazing allotments affects ranches.

239 P. 109--General and Issue Related Attitudes: The Draft says that "there is support for the leasing and development of coal in the resource area if the coal is needed and developed in a careful manner."

239 The source for this broad generalization should be cited. Who determines "if the coal is needed"? Do the sources for the above generalization indicate whether people in the area think that the coal is needed, or whether they think coal can be developed in the Bull Mountains in a "reasonable manner"?

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227 cont.
This should be a signal to BLM that its analysis of the environmental consequences of disposal was too superficial. One way to mitigate this impact would be to include a tract by tract analysis of the impacts of disposal for each parcel of land proposed for sale.

Preferred Level of Management

228 P. 47: There is no discussion of the impacts of coal leasing and development on range condition, native vegetation, wildlife habitat, watershed conditions, hunting opportunities in the Bull Mountains (recreation), or visual resources.

229 The summary mentions 61 cultural sites that may be impacted. If the reader is to get any significance from this figure, the RMP should discuss the completeness of the inventory that has been used in determining this figure. As far as NPRC is aware, this inventory has not been done at all for the 9,000 acres recommended for lease.

CHAPTER III--AFFECTED ENVIRONMENT

230 P. 53--Air Quality: The Draft says that Billings and Laurel are not Class II because they are non-attainment areas. They are still Class II, whether they are non-attainment areas or not.

231 P. 58--Energy Minerals: The Draft says that there has been "surprisingly little" development in the Bull Mountain coal fields. Why is this considered surprising?

232 The RMP says that "Meridian Land and Minerals (a wholly owned subsidiary of Burlington-Northern) has expressed interest in exchanging Federal coal rights for Burlington-Northern coal rights in order to create two blocks of coal..."

232 The nature of the "expression" by BN should be clarified and described fully here. The Draft should also note that Congress has expressed opposition to the commingling of transportation and mining of coal by railroads like BN, and that such an exchange could, therefore, never be in the public interest.

233 The discussion of Louisiana Land and Exploration should note that the company has pulled out of the area. The statement, that the company had determined that development was economically unfeasible, indicates that the coal is not of much value, and that there is no need to lease in the area.

233 P. 48--Groundwater: It is apparent from the discussion here that very little information and data exists. The Draft mentions a study by the Bureau of Mines for BLM. When will

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240 P. 110--The Draft says that the "exact extent" of opposition to mining in the Bull Mountains is "unknown". Isn't this also about the extent of support for mining in the Bull Mountains? The opposition is especially strong in the coal field itself, as indicated by the surface owner consultation process.

241 P. 111--The Final RMP should include, in its discussion of attitudes towards land tenure adjustment, the opinions expressed at the hearing on the Draft, and the resolutions of the Western Governors' Conference and the Montana Legislature. It should also include the opinions of the Montana Congressional delegation.

CHAPTER IV--ENVIRONMENTAL CONSEQUENCES

242 Introduction: Here, the RMP indicates that the areas outside the land tenure adjustment area will be evaluated in "a separate environmental assessment" and the results included in "a final environmental impact statement (EIS) supplement".

242 What kind of procedure is being proposed here? To what will the final EIS supplement be a supplement? What kind of public involvement procedures will be followed for the environmental analysis? for the EIS supplement? How will FLEMA's specific requirements for land use planning be met? This whole discussion is extremely confusing, and seems to indicate that BLM will follow a procedure that will insure neither adequate public involvement nor the legality of its program.

243 The introduction also says that "the impact discussions relate only to public lands and only those actions or proposals which impact specific resources are discussed."

243 This is a violation of 1601.0-8 of BLM's planning regulations, already quoted in the General comments, above. It also violates the spirit and several specific provisions of NEPA regulations.

244 Assumptions: The RMP assumes that unsuitability criteria would be applied before any alternative is considered. The RMP considers several alternatives, and the criteria have not yet been applied. If the Draft is supposed to indicate here that the criteria would be applied before an EIS is prepared on a lease sale, the assumption is contradicted by the record of both the Powder River and Fort Union coal lease sales.

Impacts to Resources

245 P. 115--Soils/Watershed: impacts of coal leasing: the Draft says that there will be "short-term" increases in erosion, but no long term problems because of SNCR.

245 Why doesn't SNCR prevent short term problems? As explained above, the existence of a law is not a substitute for thorough analysis, specific mitigation proposals, and

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other NEPA and PLPMA requirements for analysis.

Moreover, the analysis here directly contradicts BLM's previous findings, in the Land Use Recommendations (1973):

Another adverse characteristic of the Mammoth-Rehder bed is that the band of stripable coal which encircles the Bull Mountains lies completely perpendicular to the major drainage pattern. The Bull Mountains can be described as the hub of a wheel with a labyrinth of sharply inclined drainages flowing out from the hub. It would be impossible to restore the drainage patterns and slopes to their original form. Erosion processes would be so disturbed as to defy an accurate prediction of the ultimate effects. (Emphasis supplied.)

P. 116--Groundwater: It is difficult to believe that BLM can predict minimal impacts to groundwater with the confidence displayed here given the admission elsewhere in the RIS that it doesn't even know whether or not the coal is an aquifer, and that a groundwater study providing the most basic data is still being conducted. Again, the analysis here (especially the confidence of the conclusions) conflicts with BLM's 1973 findings.

What is the source for the natural flow rate of groundwater given here? Even accepting the figure of 0.1 feet per day, this water will have moved over 120 yards within 10 years. What will be the effect of this movement on other ranches, outside the mining area?

In 1973, BLM concluded that

Strong evidence exists that water sources (aquifers) are associated with the coal beds. Virtually nothing is known about the impact stripmining would have on the aquifers.

In 1983, with no new data, BLM has concluded:

Long term consequences of coal mining on water quantity and quality would be insignificant.

What is the source of this new-found confidence? What happened to the "strong evidence" that coal beds were aquifers?

The Draft also says that "the impacts on groundwater quantity and quality would occur under all alternative courses of action."

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noted in other areas, BLM's attempt to limit mitigation discussions to citing SMCA is wholly inadequate. There is no discussion of the effect of mining on the soil itself, although such effects are well documented. There is also no discussion whatever of the soil types in the area to be proposed for mining.

P. 135--Vegetation: The entire analysis of the impacts of mining on vegetation in the Draft is as follows:

Coal mining would disturb approximately 3 acres annually. Reclamation would be in accordance with the mining and reclamation plan developed under the authority of SMCA. However, there is a concern for the replacement of ponderosa pine in mined areas.

The last sentence is a non sequitur, and would be ambiguous in its proper context. The second sentence is irrelevant to environmental analysis. The first statement is inaccurate. Here, and in other places in the Draft, the analysis is based on one or more "scenarios" which are purely hypothetical, rather than on the worst case based on the decision in the RMP. The decision is to offer more than 9,000 acres for lease. The analysis must therefore be predicated on direct disturbance of more than 200 acres per year. Indirect disturbance would probably be that much or more, according to BLM's 1973 document.

P. 136--Wildlife: If coal lies under 5,700 acres of Elk winter range, and 22,800 acres of mule deer and Turkey habitat, why are only 97 acres affected by leasing?

The discussion should include an indication of the level of confidence in the data, since no inventory for unsuitability criteria was done prior to preparation of the Draft. The discussion should also include an analysis of the impacts to wildlife outside the mine. Mining in the Bull Mountains obviously divides habitat higher up from drainages and other habitat down below. How will mining affect migration routes? The Draft does say that there would be "additional impacts" from problems such as this, but does not specify the problems. How many acres would be affected, or whether the impact would be significant.

P. 140--Attitudes Toward the Alternative: The Draft says "the absence of environmental, economic and social planning steps in determining the land to be made available for coal leasing" would cause opposition to this alternative. What steps are proposed for elimination here? What steps could be eliminated, legally, that have not already been eliminated from the planning and leasing process? The statement is very confusing, and indicates that this is not a "real" alternative.

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The statement is meaningless. Under the preferred alternative, the scale of impacts would be multiplied a hundredfold as compared to the existing management alternative, and clearly new impacts would be impacted. This is an inexcusable attempt to diminish the significance of the impacts of leasing on groundwater in the Bull Mountains.

P. 119--Wildlife: The Draft says that habitat would be destroyed by mining, and that "total" restoration may not be achieved.

What will be achieved? The difficulty of restoration of the Ponderosa pine habitat--which is the type in question--suggests that "total" restoration is very unlikely, and that the impact on habitat may extend well beyond the mine area itself.

The Draft continues to say that "the areas that are reclaimed would have the potential to produce more desirable spring and summer range for big game."

What is the basis for this statement? What happens to fall and winter range for big game? What happens to small game and non-game wildlife?

Finally, the Draft says that "there would also be movement of wildlife species to more desirable habitats caused by the movement of equipment and transportation of coal."

This statement is incredible. What habitat is "more desirable" to wildlife than that which they are currently inhabiting? By what mechanism will the species in question be moved--on unit trains?

P. 120--Aquatic Wildlife: The entire discussion here is predicated on the assumption that the existence of SMCA mitigates impacts. It does not. The impacts must be discussed, and the specific mitigation measures necessary analyzed here.

P. 121--Recreation: The Draft says that there will be little impact to recreation from coal leasing because there is little federal surface over federal land.

Does BLM mean to say that there is no recreation except on BLM land? If BLM is referring only to public land recreation, it is ignoring its obligation under NEPA and 1001.0-8 of its own regulations.

P. 122--Cultural Resources, Visual Resources: The Draft fails to analyze the impacts of coal leasing on these resources.

Existing Management Alternative

P. 124--Soils/Watershed (Erosion): Is there really no impact from the existing level of mining on watershed or soil?

Low Level Management Alternative

P. 133-134--Soils/Watershed (Erosion and Water Quality): As

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Rather, it appears that the "Low Level" and "High Level" Management Alternatives are identical in regard to coal leasing.

P. 141--Economics: The Draft discusses the impacts of stripmining on farms and ranches on the basis of 21 acres mined per year. As noted above, the figure should be based on the acres found suitable for further consideration for leasing, and a 40-year mining period.

The costs to farms and ranches are also based on an arbitrary assumption, that the land will be fully reclaimed and returned to the rancher for productive use in 15 years. If the figure is to be used, it should be supported by reasoned argument and evidence from a similar mining area where this has occurred.

The assessment also assumes fully successful reclamation (and no loss of productivity), which is not yet proven in the Northern Great Plains, and is even less likely in the Bull Mountains.

The assessment ignores all offsite impacts, as noted above: it ignores all losses due to groundwater degradation, both on and outside the mining area; and it ignores all the costs of severance of a ranch. It assumes that a rancher has access to land the minute it is reclaimed, and has access to the land up until the minute the overburden is first moved. It ignores the impacts of all associated facilities.

The Draft then makes the extremely dubious comparison of the income lost (as minimized by all of the analytical shortcomings listed above) to the county wide agricultural income. The significance to the rancher in question is minimal. It is not much more helpful to the reader.

Instead, BLM should analyze the impacts of coal leasing on ranchers just as it analyzes the impacts of cuts in grazing allotments on ranchers (Appendix 3.9).

The Draft also discusses the effects of some of the indirect impacts, but says they occur only when "mine development is located near the center of a ranch." What steps will be taken here that would not under the other alternative? If they are significant, why is there no difference at all between the impacts of coal leasing under the two alternatives?

High Level Management: The planning steps that BLM would remove from the Low Level Alternative are mentioned again here, but they are still not described. What steps will be taken here that would not under the other alternative? If they are significant, why is there no difference at all between the impacts of coal leasing under the two alternatives?

16-1

MONTANA WILDERNESS ASSOCIATION

June 28, 1983

Mike Penfold
State Director
Bureau of Land Management
P.O. Box 30157
Billings, MT 59107

Dear Mike:

I wish to offer the following comments on the draft Environmental Impact Statement for the Billings Resource Area Management Plan.

In general, the document is well-organized, well-written and easy to follow. My only comment in terms of presentation is that a good color-coded map of each of the four alternatives should have been included in the packet. The maps that were presented were very helpful.

Each of the four alternatives have some strong and weak features but our general preference is for #3--the High Level Management Alternative.

The Montana Wilderness Association (MWA) strongly supports wilderness designation of the two Wilderness Study Areas (WSA's) and also for the two "Wilderness Study Units" within the Billings Resource Area.

1) TWIN COULEE--since the beginning of the BLM Wilderness Review Program I have taken two field tours in this area and I can personally attest to its high degree of wilderness suitability. The country is completely remote, wild and undeveloped offering more absolute solitude than most classified wildernesses. In terms of wilderness, Twin Coulee could actually stand on its own. However, its wilderness value is greatly enhanced by the fact that it is part of a contiguous roadless area of more than 100,000 acres--most of which are included in the 50,000-acre Big Snowies Wilderness Study Area managed by the Forest Service.

The Montana conservation community has long advocated a Big Snowies Wilderness but the actual proposal really took shape when the Forest Service refused to designate the wild Big Snowies as a "New Study Area" during the 1971-73 RARE process. As a result, the Big Snowies became the subject of enough citizen support to where it eventually became one of 9 carefully-selected priority national forest roadless areas included in the late Senator Lee Metcalf's Montana Wilderness Study Act which was passed in 1977.

During the Carter Administration the Forest Service recommended a 75,000-acre Big Snowies Wilderness but later reversed itself with a negative nonwilderness recommendation in the draft Big Snowies Wilderness Study released last year by the Lewis & Clark Forest. Sadly, this Forest Service nonwilderness recommendation seems to have triggered a BLM nonwilderness recommendation for Twin Coulee.

I can assure you that the MWA will continue to work toward a Big Snowies Wilderness with the inclusion of Twin Coulee and it would be sure to be helpful if we had the backing of BLM. We urge you to adopt a wilderness proposal for Twin Coulee in the final Billings RMP. I am enclosing a copy of my statement in support of a Big Snowies Wilderness which I presented at the Forest Service hearing last December. Please note that this statement includes our rationale for a Big Snowies Wilderness which

P.O. Box 635 • Helena, Montana 59624 • (406) 442-0597

17-1

2110 Bradbrook Court
Billings, Montana 59102

July 6, 1983

Mr. Mike Penfold, State Director
Bureau of Land Management
P. O. Box 30157
Billings, Montana 59107

Dear Sir:

You have my letter of July 6, 1983, containing comment upon the draft EIS for the Billings Resource Area Management Plan. I over-looked a comment. Please add the following:

There is some BLM land at Big Lake, Stillwater County. The Montana Department of Fish, Wildlife & Parks and the U. S. Fish and Wildlife Service are both interested in the possibility of putting together a wildlife area at this location. I suggest the BLM land either be traded to the appropriate wildlife agency (preferably the state) or otherwise be retained and managed in conjunction with their wildlife management efforts.

Very truly yours,

John Huffer
MONTANA AUDUBON COUNCIL
Public Lands Chair

cc: Lewistown District Office, BLM
Billings Area Office, BLM
President, Montana Audubon Council

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Penfold
June 28, 1983--page two

applies equally to Twin Coulee. In this statement we are also challenging the adequacy of the Forest Service study and nonwilderness assumption.

2) FRYER MOUNTAINS--The MWA strongly supports the two recommended BLM wilderness additions in the Fryer: Fryer Mountains WSA (MT-067-266) and the Burnt Timber Canyon WSA (MT-067-205). In addition, we feel that the two Big Horn Tack-On units (MT-067-207) should also be included in the wilderness proposal. This is even more appropriate in that the likely possibility of wilderness management of the adjacent National Park Service Big Horn Canyon WSA wild country would allow wilderness consistency throughout the Fryer Mountains Wilderness complex. The Fryers are hard to beat in terms of solitude and wild, rugged canyon country.

We would like very much to see a comprehensive three-agency Fryer Mountains Wilderness jointly administered by the BLM, Forest Service and NPS. We have before us an opportunity to preserve an enduring Fryer Wilderness of nearly 40,000 acres which could serve as a model for interagency cooperation and for the development of innovative wilderness management techniques.

In order to realize this potential we strongly recommend that BLM and the State of Montana execute a land exchange so that the two state sections (one in the Froggs Fault Cave area and the other strategically located between the two Big Horn Tack-On units) can be acquired and administered by BLM as part of the Fryer Mountains Wilderness.

The discredited "lights and sounds" argument and supposed lack of solitude appears in the draft EIS as arguments against wilderness for the Big Horn Tack-Ons. These worn-out arguments are not valid in this case; particularly since the NPS is now leaning toward a wilderness recommendation for its WSA which is even closer to the Red Pass Highway. The obscure vehicle ways and other manmade features within the Big Horn Tack-On WSA do not significantly detract from the high overall naturalness of the area.

In conclusion, the MWA strongly opposes any sale of BLM public lands (Asset "management") unless the land truly has "no public value"--a finding that would be hard for us to accept on the basis of wildlife habitat and public recreational access alone. However, we are well aware of the scattered nature of BLM land holdings in the Billings Resource Area and we recognize the need for some land adjustment. All of the scattered tracts that might be sold are better retained in public ownership as potential "trading stock" for the consolidation of BLM lands elsewhere. Such an approach is especially appropriate as funds for direct land purchase become increasingly scarce.

I've appreciated the opportunity to comment on the Billings RMP and I look forward to receiving the final document. Thank you for your review and consideration of our concerns.

Sincerely,

Bill Cunningham

Bill Cunningham
Conservation Director
cc: Glenn Freeman
Encl.

17-2

2110 Bradbrook Court
Billings, Montana 59102

July 5, 1983

Mr. Mike Penfold, State Director
Bureau of Land Management
P. O. Box 30157
Billings, Montana 59107

Dear Sir:

Please accept this letter as my comment upon the draft Environmental Impact Statement (EIS) for the Billings Resource Area Management Plan. Hopefully, what I have to say will be meaningful and have merit.

I oppose sale of BLM lands (the "asset management program") unless there can be shown (1) the land has "no public value" or (2) there truly is a "higher and better use" for a particular parcel. As the legislator states, let us explain: To find "no public value" for a parcel will be hard for me to accept, in most cases I know about, on the basis of wildlife needs and/or public recreational wants. I am aware that much of the Billings Resource Area BLM land is in scattered parcels. This does create administrative problems. But I do not believe disposal as such is the necessary answer. Concerning "higher and better use" I do not want the BLM exchanging land in such manner that the resultant block can then be plowed up by a "roadbuster." There is too much of that now; apparently the lessons of the 1930s are forgotten. But neither should BLM land always be retained--here we have to depend upon the land managers and the policy makers. Unfortunately the present policy makers come across as "give-away artists."

I do support exchange. Public land managers can do much here that will benefit not only the public but the private land owner. Economic considerations should not be the only criteria. Wildlife is important. Recreation is important.

As an example of a particular problem, there is the intermingling of public and private land north of Billings adjacent to Highway 87. Public use is heavy and not always the kind desired. My personal observations are buttressed by information from the Montana Department of Fish, Wildlife and Parks: this area is important for snipe, sharp-tails, and sage grouse. The dominant landowner has made statements--and I can't disagree--that the use and misuse by the public is very hard on his operations; yet the land in his view is very necessary for him. How can we find a solution? One might be to fence the BLM land as his own--as state land is now if a lessee wishes--against access. But with a stipulation: do not change present land use. Thus the wildlife will still be able to use the area, too. True, public access will be barred, but perhaps we can work out some other trades to meet that need.

I am not so sure that some of the smaller public inholdings in private land shouldn't be just "used for free" by the surrounding landowner, as long as he doesn't change the present use of the land--in other words, don't plow it up, and hopefully don't overgraze it. Just how many "small tracts" per square mile section or however rule-of-thumb we'd have to come up with does remain a question!

- 1 -

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Billings Resource Area
Comment - page 2
July 5, 1983

Under no circumstances should BLM dispose of river front or river islands. Such habitat for wildlife, termed "riparian," is in short enough supply in Montana as it is. Much of what there is has been abused. Selected river front is important for stream access, as well.

I support for wilderness designation the two wilderness study areas (WSAs) and the two wilderness study "units."

The recommendations for Twin Coulee (MT-067-212) and Pryor Mountain (MT-067-206) are in agreement with the "High-Level Alternative." Twin Coulee is good enough to be wilderness by itself, but the possibilities are admittedly much greater if the Forest Service Big Snowies WSA is also made wilderness. The BLM should have shown its independence of the Forest Service by standing for wilderness for Twin Coulee even though the Forest Service backtracked on its former position for the Big Snowies Wilderness.

The National Parks Service, the Forest Service, and the Bureau of Land Management should all be encouraged to work towards a Pryor Mountain protected complex. The boundaries are "paper" boundaries really. Our feeling is the BLM and the State of Montana exchange for the two state sections (one between the two Big Horn "back-on" units and the other in the vicinity of the Frogs Fault Cave); thus the BLM will then be able to administer the Pryor Mountain Wilderness as it should.

As to the remainder of the document, realistically I support the "preferred level of management" alternative. While one might wish for "high-level management" alternative, one has to consider the funds and people available. And almost daily "ground rules" are being modified. What the proposed changes in grazing regulations will be or "clarifications" of policy may be can only be guessed at. Further changes may declare the whole "BHM" redundant.

Billings is a city increasing in population with each passing day. Isolated tracks in such circumstances are important to wildlife as well as to recreation. The countryman goes to town; the cityman takes to the open spaces. Perhaps we should not dispose of any parcels of land adjacent or near Billings. We are, too, continually amazed at the land being put up for subdivisions. BLM land policy should be aimed to do what can be done to channel this where wildlife and recreation values are low or not in conflict.

These comments are in addition to and supplementing the testimony of Georgia Frazier, President, Yellowstone Valley Audubon Society, at the Hearing held at Billings, June 1, 1983.

cc: Lewistown District Office, BLM
Billings Area Office, BLM
President, Montana Audubon Council

James P. Kelly
MONTANA AUDUBON COUNCIL
Public Lands Chair

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Defenders
OF WILDLIFE

Billings Resource Area comments-page two

Next, it was impossible to deduce from the plan the particular management actions that would be taken to improve resource conditions. This is particularly disturbing, given that the BLM predicts a 38% increase in AUMs is possible for an area that has no such land in unsatisfactory condition. One might normally suspect we would see a decline in AUMs given the existing range conditions; if increases are indeed justified, the BLM needs to explain as specifically as possible how this will be accomplished without compromising other resources.

The limited range of alternatives in the plan also keeps the reader from fully comprehending the different ways the public lands in the Billings Resource Area might be managed. The differences between the high level management alternative and the preferred alternative are really rather minor, particularly when you look at the cost calculations of range improvements and vegetation manipulation; they're almost identical.

Given the BLM budget problems (if Congress approves the administration's budget request for FY 84, funds for the Range Management Division will have been reduced by nearly 40% since 1981), one can reasonably question whether the BLM can reasonably adopt a preferred alternative that would cost three times as much (budget for the existing program is \$321,000 as compared to \$955,000 for the preferred alternative). It would only seem reasonable for the BLM to formulate a low-budget alternative that meets resource objectives. The low level management alternative presented in the BMS takes this concept to an extreme, and thus doesn't really provide a meaningful option.

At the same time, the BMS never really presents the economic analysis to tell the public whether the massive investment of taxpayer dollars proposed in the preferred alternative is really worth it. In other words, the BLM makes no attempt to identify those areas that can produce livestock well, just as there's no attempt to identify which lands will produce good wildlife populations. Consequently, there's no opportunity for the public to weigh and balance competing resource issues. The BLM's solution to the problem as presented in this BMS is simply to allocate as much forage to livestock as possible, on the assumption that if the range is improved for livestock, it will also be improved for wildlife. The range may be in good or excellent condition, but if the livestock are removing 50% or more of the vegetation (and certainly it will be more in riparian areas), wildlife isn't receiving any of the benefit of that good range condition. This grazing document fails to establish any targets or objectives for wildlife habitat—it's geared totally toward maintaining range condition and allocating AUMs to livestock. As far as I can tell, there's been no effort to allocate AUMs to wildlife. But if 50% is allocated to cattle, on the basis that a how much the plants can sustain without deterioration, excessive wildlife usage will reduce the condition of the range, while reducing habitat quality for those species that need more ground cover for nesting, security or thermal cover.

Unlike other management plans I have read, the Billings Resource Area BMS lists a wide variety of wildlife management actions limited to building duck ponds or constructing fish ponds. There's a very little effort to integrate the grazing, timber and logging plans with a wildlife plan; there's even little acknowledgment about what impacts these programs might have on wildlife.

Regarding the sagebrush burning, for instance, one might logically assume that if 10% of the federally managed antelope winter range and 25% of the sage grouse nesting and nesting areas were destroyed, it might have some impact on populations (page 149). But on page 151 we're told wildlife habitat conditions would improve for upland birds and antelope. These seemingly contradictory statements are explained.

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Defenders
OF WILDLIFEREVISED
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DEPT.	STATE	BLM
NO. 1 (252)	NO. 2	
NO. 3	NO. 4	
NO. 5	NO. 6	
NO. 7	NO. 8	
NO. 9	NO. 10	
NO. 11	NO. 12	
NO. 13	NO. 14	
NO. 15	NO. 16	
NO. 17	NO. 18	
NO. 19	NO. 20	
NO. 21	NO. 22	
NO. 23	NO. 24	
NO. 25	NO. 26	
NO. 27	NO. 28	
NO. 29	NO. 30	
NO. 31	NO. 32	
NO. 33	NO. 34	
NO. 35	NO. 36	
NO. 37	NO. 38	
NO. 39	NO. 40	
NO. 41	NO. 42	
NO. 43	NO. 44	
NO. 45	NO. 46	
NO. 47	NO. 48	
NO. 49	NO. 50	
NO. 51	NO. 52	
NO. 53	NO. 54	
NO. 55	NO. 56	
NO. 57	NO. 58	
NO. 59	NO. 60	
NO. 61	NO. 62	
NO. 63	NO. 64	
NO. 65	NO. 66	
NO. 67	NO. 68	
NO. 69	NO. 70	
NO. 71	NO. 72	
NO. 73	NO. 74	
NO. 75	NO. 76	
NO. 77	NO. 78	
NO. 79	NO. 80	
NO. 81	NO. 82	
NO. 83	NO. 84	
NO. 85	NO. 86	
NO. 87	NO. 88	
NO. 89	NO. 90	
NO. 91	NO. 92	
NO. 93	NO. 94	
NO. 95	NO. 96	
NO. 97	NO. 98	
NO. 99	NO. 100	

July 24, 1983

Mike Penfold, State Director
Bureau of Land Management
Box 2017
Billings, MT 59107

Dear Mike,

Please consider the following comments on behalf of Defenders of Wildlife regarding the draft Environmental Impact Statement (Resource Management Plan) for the Billings Resource Area.

I'd like to start by saying I recently reviewed the Headquarters Resource Area draft plan, and there's absolutely no comparison between the Headquarters Plan and the Billings Plan. The Billings Plan is utterly lacking in site-specific information, it's poorly organized and hard to follow, and lacks the in-depth analysis that might allow citizens to make reasoned decisions about how their public lands should be managed. Even though I say I've not agreed with some of the conclusions of the Headquarters Plan, there were coherent reasons presented for the preferred alternative. The conclusion of the Billings Plan—that AUMs can be increased by 30% and conditions will improve for wildlife—given the current condition of the range and recent BLM budget levels, seems like an excursion into fantasy land.

The document begins by telling us the lands in the Billings Resource Area have a high erosion hazard, due to a variety of reasons. We're also told that more than 40% of the land is in fair or poor condition, not counting the Pryor Mountain Wild Horse Range, which is in rather bad shape itself. Although the plan tells us nothing about the condition of riparian vegetation, one might well assume that given the lack of active management a great deal of riparian vegetation is in unsatisfactory condition as well. We're also told that the potential for improving such of the rangeland isn't high (pg. 71). All in all, the picture presented isn't good, although in all fairness it's really hard to assess because of the lack of information. The document presents no information on the condition or relative abundance of key types of wildlife habitat, nor does the plan identify specifically that any of the public lands contain outstanding wildlife values. The reader is left with no concept of how these lands fit in with bordering public and private lands, and what their relative importance might be.

The plan is so generalized that it's difficult to provide meaningful comments. For instance, there's no table that would tell the reader the condition of wildlife habitat on an allotment-by-allotment basis, and what improvements should be made.

I found the table that displayed this in the Headquarters Plan extremely useful. I was also unable to find in the appendix any table that showed proposed changes in stocking rates on an allotment basis. In short, a casual reader of this plan is unable to tell what parts of the Billings Resource Area have problems, and exactly what the Bureau is doing to correct the problems. Citizens are asked to take it on faith that needed changes will be implemented.

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Defenders
OF WILDLIFE

Billings Resource Area comments-page three

Similarly, the BMS predicts benefits from logging activities in the Billings Resource Area, as if there were a dense forest canopy like in parts of western Montana. The plan doesn't consider that these areas may be important to wildlife for security areas, thermal cover, or sheer diversity.

One of the bright spots in the plan was the wilderness recommendation in the preferred alternative for the Pryor Mountain and Burnt Timber Canyon areas. Both are certainly suitable and meritorious of such a designation. The Twin Coulee area also deserves such a recommendation; even if it is not managed as wilderness, its resource values should be maintained.

Regarding disposal of BLM lands in the Billings Resource Area, Defenders of Wildlife believes actual land sales should be kept at an extremely low level, and the emphasis instead should be on land exchanges and trades that promote recreational opportunity and protect wildlife habitat. It's crucial, given the lack of federal funds to buy land, that the BLM doesn't sell those lands that might be used for possible exchanges. Defenders of Wildlife also supports the site-specific comments on the asset management program submitted by the Montana Wildlife Federation.

In closing, I'd like to reiterate my view that the Billings Resource Area Management Plan is grossly inadequate for several reasons, and seriously inferior to earlier BLMs and grazing BMS. Its primary flaw is the lack of site-specific information that allows the reader to understand and make meaningful judgments about appropriate land management options. It's impossible for the reader to understand how the BLM gets from point A to point B, or in this case, from more than 40% of the Billings Resource Area in fair or poor condition to a 30% increase in AUMs. Further, the limited range of alternatives keeps the reader from understanding that the true range of management options might be, and happens to be, far out of line with management options to another. Finally, this plan seems terribly out of line with anticipated funding levels for the BLM for the next several years. It fails to give the public a sense of where the best places to invest dwindling funds might be, yet these undoubtedly will be the kinds of choices the BLM will be making concerning these public lands over the next twenty years.

This is clearly the worst BLM grazing statement for Montana I've yet reviewed, and I would strongly recommend it be rewritten; as it stands, it marks a breakdown in the BLM planning process.

Sincerely,

Mark Fletcher

HANK FISCHER, Montana Rep.
Defenders of Wildlife
1534 Helena Ave.
Helena, MT 59601

21-1



Bridger Environmental Education Program RECEIVED Emory Stonington Director - 15042 Kely Canyon Road Bozeman Montana 59715

JUL 18 '83

July 14, 1983

State Director Michael Penfold
 BLM Montana State Office
 P.O. Box 30157
 Billings, MT. 59107

Dear Mr. Penfold:

Bridger Environmental Education Program is a non-profit educational program serving the Gallatin Valley. We serve a population of approximately 40,000 and have an information network of approximately 7,000. B.E.E.P. is concerned about possible land sales as might be effected by the BLM Asset Management Program.

We would like to comment at this time about the Billings Resource Area Management plan and the individual tracts of land proposed for disposal in this resource area. We feel that wildlife habitat and overall use patterns should be studied as a whole rather than assuming that individual tracts isolated by private lands could be better managed in private hands. We want you to be certain that land assessments are made with public values in mind and not just administrative ease in managing the lands. We are concerned with public values beyond economic ones and feel that our lands have inestimable values in the public domain that must be carefully scrutinized before disposing of the land. We do advocate exchanging lands when possible to create blocks of public land that provide good wildlife habitat or public access to streams or other public values.

It seems apparent in the Billings management plan that wildlife values have not been considered in the context of other management areas. Extraction activities such as grazing oil and gas, timber and coal leasing have received higher priorities (to the great economy) while wildlife considerations have taken the leftovers. We feel that natural systems (i.e. wildlife) on our public lands are of great importance in the long term and should be managed with equal intensity to management of extraction activities. It would seem appropriate for the preferred alternative to identify at least a few areas supporting an above average wildlife resource and to give direction for some special management in these areas.

I want to thank you for your efforts in including the public in management plans for Montana. We do care, as I know you do,

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 FIS. T (DES)
 WTS. T
 ENV. M
 ADM FILE ACTION
 PLAN

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22-1



Sierra Club

Yellowstone Basin Sierra Club Group
 2895 Rimview Dr., Billings, MT 59102
 9732 N. 30th

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 AN RANG
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Department of Interior
 BLM - Lewistown District
 Billings Resource Area

Dear Sirs:

I have several comments regarding the draft EIS RMP for the Billings Resource area. The first and foremost is that there has not been sufficient time allowed to do an adequate evaluation. I would like, therefore, to formally request an additional 30-60 day period during which comments will be accepted.

We at the Yellowstone Basin group of the Sierra Club are opposed to any disposal of public lands at this time unless it can clearly be shown to be in the public interest. That approximately 15% of the lands studied for land tenure adjustment is identified for disposal is unquestionably excessive and is unacceptable.

303 304

21-2

about the fate of our public domain. I hope you can hear those of us who care a lot about some of the non-economic benefits of careful management and manage for us too. Ours' is the future for our planet, and we must continue to preserve it today.

Sincerely,

Emory Stonington
 Director, B.E.E.P.

cc. Mr. Jerry Jack, Area Manager
 Billings Resource Area
 810 Main
 Billings, MT. 59101

Congressman Pat Williams
 Congressman Ron Marlenee
 Senator John Melcher
 Senator Max Baucus

22-2



Sierra Club

Yellowstone Basin Sierra Club Group
 2895 Rimview Dr., Billings, MT 59102
 9732 N. 30th

59101

In addition, difficulty of management seems generally inappropriate as a criterion for disposal.

We are generally opposed to ORV use on BLM lands. Specifically, due to numerous complaints from members and others about noise & dust pollution in the South Hills area near Billings, we ask that all ORV activity in the South Hills be eliminated.

We recommend that the following WSA's be recommended for wilderness.

1. Twin Coulee 6870 acres
2. Pryor Mountain 16,947 acres
3. Burnt Timber Canyon 39.55 acres
4. Bighorn Tuck-on 4550 acres

Note: in conversation with Homer Rouse, Superintendent of Bighorn Canyon NHA, he indicate that they would like the Bighorn Tuck-on recommended for wilderness.

305 306 307

22-3



To explore, enjoy and preserve the nation's
forests, waters, wildlife and wilderness...

Sierra Club

Yellowstone Basin Sierra Club Group
2235 Rimview Dr., Billings, MT 59102
7752 N. 30th B. 1149, MT 5901

There are many more comments
that need to be made, hence the request
for additional time, and failure to
comment further herein does in no
way indicate acceptance or approval
of the RMP as a whole.

Respectfully
Darryl R. Murphy
Chair
Yellowstone Basin Group
Sierra Club

23-2

Jerry Jack
July 13, 1983
Page 2

Meridian appreciates this opportunity to comment and hopes the BLM will give
our recommendations serious considerations.

Sincerely,
Harry E. Reed
Harry E. Reed
Vice President
Operations

17021/Attachment

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At: BAFON BIR
BIL, T 10131 RDC
BRS, T 13010
LAV, 22 RCLP
ADW, 212 ADP13W

MERIDIAN LAND & MINERAL COMPANY
First Northwester Bank Center
Post Office Box 281
Billings, MT 59102
406 226-6200

July 13, 1983

Jerry Jack
Bureau of Land Management
810 E. Main St.
Billings, MT 59105

Dear Jerry:

Meridian Land & Mineral Company is pleased to have this opportunity to comment
on the Draft Resource Management Plan/Environmental Impact Statement (RMP
hereafter) for the Billings Resource Area. Meridian finds the RMP is
generally a very comprehensive and well-written document. The alternatives
address the issues raised; the environmental consequences of each alternative
are addressed; and the preferred alternatives represent a fairly balanced
choice. It appears that in most all cases, the fundamental requirements for
an RMP have been met.

Meridian has only two general concerns which are reflected in the specific
comments attached. These general concerns are that:

- 1) the RMP should reflect that the BLM has completed all the necessary review
and analyses and has identified the specific areas which may be considered
for coal leasing or exchange; and
- 2) the objectives and recommendations for the coal and lands programs should
support each other and not conflict.

These concerns stem from Meridian's continued interest in developing its coal
in the Bull Mountains area. The Mammoth and Redder seams in the Bull Mountain
deposit are some of the highest quality coal in Montana. While we have not
ruled out other mining methods, we believe that this deposit could be mined
economically by underground mining methods in the 1990's timeframe. In order
to accomplish such development, however, both BLM and Meridian need to address
the coal management problem created by the checkerboard ownership pattern in
the deposit. Meridian believes that the most feasible solutions to the
checkerboard problem are either mineral exchanges or cooperative leases.
Therefore, to preserve the option to engage in either an exchange or
cooperative lease in the Bull Mountains, this RMP must consider all aspects of
both leasing and exchange, and identify which areas may receive further
consideration. When the coal market strengthens and activity planning
approaches, Meridian and BLM will then need to decide which option is most
appropriate to facilitate this later decision.

23-3

MERIDIAN LAND & MINERAL COMPANY
COMMENTS ON
DRAFT RESOURCE MANAGEMENT PLAN
ENVIRONMENTAL IMPACT STATEMENT
FOR
BLM BILLINGS RESOURCE AREA

1) Page 3 - Saleable and Locatable Minerals: Pursuant to 43 CFR 1610.7-1(b),
the Draft Resource Management Plan (RMP) must review public lands for
designation as unsuitable for entry or leasing for mining operations for
minerals and materials other than coal under Section 601 of the Surface
Mining Control and Reclamation Act (SMCRA). It is unclear whether this
review has been completed and, if so, whether the statements made on page
3 indicate that no areas have been designated unsuitable. Assuming no
areas are unsuitable, it is also unclear whether all permits or sales for
minerals or materials other than coal will be granted with similar terms
and conditions for development, or whether some development will be
restricted due to sensitive resource values in certain areas. Meridian
recommends the RMP should identify whether any lands are unsuitable and
whether any lands will receive more restrictive terms and conditions for
development in order to protect sensitive values.

2) Page 7 - Coal Leasing: The discussion under subsection B, and the
following paragraph are somewhat confusing regarding surface owner consent
for coal leases for underground mining. While BLM has tried to make this
clear, it seems the addition of a few phrases may help. Meridian
recommends the following additions:

- change third sentence under subsection B to:
"The BLM will try not to lease coal for surface coal mining in
instances where a qualified surface owner is opposed to leasing coal
on his land."
- change fourth sentence under subsection B to:
"If a significant number of surface owners are opposed to coal
leasing for surface coal mining, a portion of the coal field may be
blocked out and not considered further for leasing for surface coal
mining during this RMP planning effort."
[NOTE: Meridian certainly hopes that the above changes reflect the
BLM's intent because there is no statutory basis for eliminating the
possibility of leasing or mineral exchanges for underground coal
mining purposes based on surface owner opposition.]
- change the first sentence of the following paragraph to:
"Coal lands which pass through these planning steps are described as
acceptable for further consideration for coal leasing surface mining."
- change the last sentence in the section to:
"Under either process, no lease sale for purposes of surface coal
mining may occur in a split estate situation unless the qualified
surface owner consents to surface mining operations."

- 312 313 314 315
- 3) Page 8 - Land Tenure Adjustment: The current draft RMP has only reviewed and identified lands for retention (and thus exchange) within the Land Tenure Adjustment Area. On page 8, it states that the remaining public lands in the resource area will be reviewed and the results incorporated in the final RMP. However, on page 33, it states that the review of the remaining public lands will not be done until after the final RMP. This raises several questions: a) When will the review be completed? b) Will it necessitate an RMP amendment? c) Will there be an opportunity for public comment on the results before they are final? In order to avoid any later confusion, Meridian requests that the public lands underlain by the Mammoth-Holder beds in the Bull Mountains be designated for exchange in this RMP rather than in a later effort.
- 4) Page 17 - Oil and Gas Leasing: The RMP discusses the need for special stipulations for leases in "sensitive areas" but does not identify where these sensitive areas are. Because these sensitive areas could be relevant to other mineral development and because a RMP must establish "in a written document land areas for limited, restricted or exclusive use..." (43 CFR 1601.0-5(k)), the RMP must identify these sensitive areas.
- 5) Page 17 - Coal Leasing and Land Tenure Adjustment: It is unclear what coal areas will be carried forward under this alternative as acceptable for further consideration for leasing or for disposal by exchange. Meridian recommends that this information should be provided in map form for this alternative and each of the following alternatives. In addition, it is unclear whether the coal leasing objective is to satisfy local demand or to maintain present production levels. Based on our understanding of the past and existing management trend, the objective has been and is to satisfy local demand. Meridian recommends that the RMP should identify the objective under this alternative as satisfying local demand.
- 6) Page 25 - Coal Leasing: The BLM has not explained why they have chosen a development scenario for analysis purposes which includes surface mining in the Bull Mountain coal field at a production rate of 300,000 tons per year. Over the years, the coal industry has expressed interest in development in the Bull Mountain coal field and proposed production scenarios for both surface and underground mining at production levels ranging from very low levels up to two million tons per year. In order to ensure that the land use planning analysis and environmental impact analysis are clearly consistent with each other, Meridian recommends that the statements in this section and at page 113 should identify that:
- the BLM anticipates coal production as high as two million tons per year (or whatever level it is that you expect) by underground mining methods;
 - the BLM anticipates coal production no higher than 300,000 tons per year by surface mining methods;
 - the BLM has used for analysis purposes the scenario including 300,000 tons per year production by surface mining methods because this represents the worst case for environmental consequences; and,

- 315 cont. 316 317 318 319
- the environmental consequences of underground mining at substantially higher production levels will be less than those projected under the BLM's surface mining scenario in every area except for the consequences of having a larger work force.
- In the recommendation for the low level management alternative, it is unclear whether all coal to be mined by underground methods is also suitable for disposal by exchange. While such a recommendation is implied, that is not completely clear as currently drafted. Meridian suggests amendment of the first sentence in the third paragraph as follows: "All coal to be mined by underground methods is acceptable suitable for further consideration for leasing or exchange."
- 7) Pages 26 & 27 - Figures 2.6 and 2.7: It is unclear which areas are acceptable for further consideration for leasing. In particular, what lands are in the 9,535 acres cited? Does this eliminate the areas not considered to be of high to moderate coal development potential? Does this eliminate only the landowners who are opposed? Meridian recommends that a map should be prepared which combines the information from Figures 3.3 and 3.6 (pages 60 & 62) with Figures 2.6 and 2.7, and specifically delineates the areas acceptable for further consideration for leasing. In addition, the RMP should indicate the areas considered to be high to moderate coal development potential in all the coal fields in the resource area - particularly the Joliet/Fronberg field if leasing is recommended there.
- 8) Page 29 - Land Tenure Adjustment: The objectives and recommendations in this section state that "...no sales or exchanges would be processed in the short or long term." This does not comport with the recommendation in the coal section which states that "coal exchanges would be considered when it's in the public interest..." It is essential that the recommendations for the coal and land programs in the resource area support and agree with each other.
- 9) Page 32 - Coal Leasing: Meridian's comments on the Low Level Management Alternative also apply to the High Level Management Alternative. It should be clarified that all coal areas to be mined by underground methods are also suitable for disposal by exchange. There should be a map or clear description of the areas acceptable for further consideration for leasing for surface and underground mining. With regard to "locally important resource values" which will be examined during the activity planning phase, Meridian is concerned that the BLM have good data on each resource value in order to assess the trade-offs. We suggest that the BLM develop a plan for necessary data gathering as early in the activity planning phase as possible.
- 10) Page 33 - Land Tenure Adjustment: The objectives and recommendations in this section generally support and agree with those in the coal program; however, we have one concern. The objectives and recommendations under the land program mention mineral exchanges but it is unclear exactly what priority they will have and which lands could be considered. To avoid later confusion, Meridian recommends that the coal areas in the Bull Mountains should be designated as having potential for exchange under the Land Tenure Adjustment recommendation.

- 320 321 322
- 11) Page 37 - Coal Leasing: Meridian generally supports the BLM's preferred alternative for coal leasing. Our support is predicated on the assumption that coal areas designated for leasing by the Regional Coal Team (RCT) will receive the same balanced consideration that the Powder River RCT has given other areas. In short, we assume that coal areas will not be dropped from consideration where they conflict with other resource values without due consideration of the economic impact to coal development, the significance of the conflicting value, and the potential for mitigating such impact.
- 12) Page 37 - Land Tenure Adjustment: Meridian supports the BLM's preferred alternative.
- 13) Page 38 - Wilderness: Meridian also supports the BLM's preferred alternative for wilderness.
- 14) Pages 53-65 - Geology and Topography: Meridian commends BLM for this section - it is comprehensive and well-written. However, we would like to ask BLM to correct two points. First, Meridian has expressed interest in both cooperative leasing and exchanging in the Bull Mountain field, so ask that the RMP recognize both of these interests. And second, Meridian has recently purchased the Milwaukee Railroad right-of-way between Slayton and Gage in order that it will be available for transporting coal from the Bull Mountains. While this step does not provide rail service directly to the coal field, it does provide a critical link, and thus, we believe it is inaccurate and misleading to say that rail service is a "major stumbling block to coal mining in this area."
- 15) Pages 82-103 - Wilderness: This section of the RMP is excellent. We were pleased to see good coverage of the mineral values on each wilderness study area. We suggest that this is the best substantiation for wilderness recommendations in any of the recent federal land use plans.
- 16) Page 113 - Coal Leasing Assumptions: Meridian's comment at 6 above is also relevant here. It is essential that the BLM explain what the anticipated coal production from their alternatives will be and why they have chosen the analysis scenarios they used. Meridian also recommends that you add an assumption to this section which states that BLM assumes that all coal mining operations must comply with all requirements of the Montana Strip and Underground Mine Reclamation Act and SMRA. This is important because often the public tends to forget that these acts require protection of, and mitigation of impacts to, resource values. Additionally, BLM should state that: the site-specific and cumulative environmental consequences of coal leasing will be analyzed prior to any leasing and the site specific environmental consequences of coal mining will be analyzed prior to approval of a mining permit.

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Atlantic Richfield Company
355 Seventeenth Street
Denver, Colorado 80217
Telephone 303 575 7577

RECEIVED
BILLINGS RA
JUL 1 1983

DATE: June 24, 1983
TO: MR. GLENN W. FREEMAN
FROM: J. R. MITCHELL
SUBJECT: Draft Environmental Impact Statement and Proposed Resource Management Plan for Billings Resource Area
DOWNSIDE: DISTRICT MANAGER
DOWNTOWN: DISTRICT
ADMIN: BUREAU OF LAND MANAGEMENT
ACTION: AIRPORT ROAD
LEWISTOWN, MT 59457

Re: Draft Environmental Impact Statement and Proposed Resource Management Plan for Billings Resource Area

Dear Mr. Freeman:

Atlantic Richfield Company appreciates the opportunity to comment on the draft RMP and RIS for the Billings Resource Area in Montana.

Open reviewing the RIS, we found that BLM did not include the most fundamental part of a plan - a map which outlines how the Resource Area is to be managed on a site-specific basis. As a result, we are unable to determine how the proposed impacts present or future energy and mineral activities, our primary concern. BLM has pointed out in the RIS that there are 649,413 acres of federal mineral estate within the Billings RA. Under the preferred alternative 70,000 acres would be subject to special leasing stipulations, while the remaining acreage would be subject to standard stipulations. This may be a reasonable approach; however, we cannot discern from the planning document where the 70,000 acres are or why they would be subject to special protection measures.

While BLM does discuss the mineral potential existing within the Billings RA, there is no evidence of an analysis of all the resource values, including energy and mineral resources, which would provide a basis for determining what would be the best and highest use of the land. We feel, therefore, that BLM cannot defend the land management decisions mentioned in the plan because no basis for the decisions is outlined in the planning document.

Energy and minerals must play a major role in land management decisions. The exploration for and

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The District Manager is required to develop a preferred alternative which will meet national and

The District Manager is required to develop a preferred alternative which will meet national and

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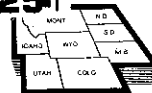
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Sincerely,

Sincerely,
J. R. Whitehead
J. R. Mitchell

8. Mitchell

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The BLM must recognize how energy and mineral resource values must influence planning decisions in order to comply with planning requirements and multiple use management guidelines. Specifically, the BLM should:

The BLM must recognize how energy and mineral resource values must influence planning decisions in order to comply with planning requirements and multiple use management guidelines. Specifically, the BLM should:

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cont.

- Thank you for the consideration of our views.

Sincerely,

Alice I. Frel
Lands Director

ALF/dex

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Hope Ryden
345 East 81st Street
New York City 10028
July 9, 1983

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Mr Jerry Jack
Bureau of Land Management
Billings, Montana
59101

Dear Mr Jack,

Have just returned from my stint in northern Minnesota at an eagle nest and have quickly turned my attention toward putting my thoughts on paper regarding the alternatives proposed in the draft EIS. Please include the material enclosed in the official record. I also will be sending a photograph of "Scarbottom" along for the record to illustrate my objection to seven miles of fencing.

I want to thank you for attending to the wire cut injuries incurred by the above stallion "Scarbottom." I hope the treatments put him on the road to recovery. I would be most interested in learning of the outcome of your efforts to treat him.

My wild horse count turned up 128 horses, 16 of which were foals of the year. I expect a limited number of foals may yet be born, but likely the majority had come into this world by the date I left (June 9). I cannot see any good purpose will be served by conducting a roundup this year. Surely it ought not be necessary to roundup 7 excess horses at great cost to the taxpayer and to the horses themselves. The earlier plan to roundup 30 to 40 horses was obviously based on expectation of a large foal crop which did not occur. Nature does some managing, believe it or not. I suggest you wait a year before taking off more horses. It is interesting that nearly all of the foals born this year happened to be male--a stroke of good fortune. I would not eliminate foals in this year's class at all. What few females have been born will be important to future breeding and the males will help to solve the problem of a skewed sex ratio.

Yours truly,

Hope Ryden
Hope Ryden

29-3

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I am the author of three books on wild mustangs, including AMERICA'S LAST WILD HORSES, which received the Oppenheimer Award for the best book published in 1970 in the category of Americana. This book was also listed by the Library Journal in its roundup of best books published in 1970 on science and technology. My comments on the proposed management alternatives for the Pryor Mountains reflect my longstanding interest in the horses that inhabit the area. Over the past fifteen years, I have returned repeatedly to observe, study and census the herd.

I appreciate the opportunity to review the draft EIS and have found a number of sound ideas are contained in it. I regret, however, that the statement fails to present options which recognize the primacy of wild horses in this area that has been specifically set aside for their use by special act of the Secretary of the Interior in 1969. In fact, in all four alternatives explored, horse numbers have been limited to 121 animals---a figure I regard to be arbitrary for several reasons. In the first place, it does not take into account the fluctuating age and sex structure of a herd. Moreover, the figure does not take into account the fluctuating state of the range during wet and dry years. In fact, this figure was computed on the basis of a one-time assessment of range conditions conducted after a lengthy period of virtually no rainfall.

29-2

STATEMENT BY HOPE RYDEN ON THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT FOR THE BILLINGS MONTANA
RESOURCE AREA

JULY 1983

29-4

-2-

I do not, however, intend to base my case for increasing the limit placed on horse numbers on these lapses. Instead, I wish to call your attention to the fact that the conversion rate used (of 1.25 AUMs) to calculate the number of horses the range can support is no longer supported by scientific findings. (see attached reference to study made by Rittenhouse, et al. in 1982 at Colorado State University and reported by the National Academy of Science Committee in its FINAL REPORT on WILD AND FREE-ROAMING HORSES AND BURROS.

Rittenhouse has found that within the range of mature animals, weight is not a significant factor in determining how much forage an individual will consume. Lactation, on the other hand, is a determining factor. A lactating mare, on average, consumes 14% more forage than does a lactating cow. A non-lactating mare consumes 7% more forage than does a non-lactating cow. A lactating cow consumes 17% more forage than does a non-lactating horse (12.2 kg per day and 10.4 kg per day respectively). Since a herd of cattle is normally composed for the most part of lactating animals (ranchers artfully manipulate their herds to obtain this condition by selling off males and non-breeding females)-----and since wild horse herds are normally made up of a majority of non-lactating animals (even in the Pryor Mountains where females outnumber males, annual foaling does not exceed 25%)---it is likely that a herd of cattle and a herd of wild horses consume the same amount of forage. Certainly, the evidence does not support the use of a 1.25 conversion rate cows to horses.

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cont.

Given this new information, the Fryer Mountains Wild Horse Range ought to be able to support 152 wild horses based on the range study upon which forage availability was determined (notwithstanding my opinion that this range study was biased and underestimated the forage production of the area). I call your attention to the fact that other BLM districts are assigning 1 AUM per wild horse head as a result of this finding (see Southern Malheur District draft EIS from Southeastern Oregon).

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A second point I would like to comment on is that of the cost of rounding up a single horse---listed as \$700 in the BLM's draft EIS. If, as I have been told, salaries of staff personnel are being projected into this assessment, I would like to say that it will not save the taxpayer much money whether horses are rounded up for adoption, shot, or left alone. A more realistic way of viewing possible economies would require that these ongoing costs be excluded. Dr. Frederic Wagner of Utah State University, who is chairman of the National Academy of Science Committee to study Wild and Free-Roaming Horses and Burros, noted that "removal costs decline as roundup and adoption procedures become more standardized and efficient." He also has asked why the government makes such an issue over supporting the wild horse program while willingly paying the way of animals in national parks and refuges.

344

A related point made in the draft EIS is the suggestion that unique characteristics of the Fryer Mountain horses be preserved. I agree. I believe this can also be accomplished gradually through the disposition of less characteristic animals when reductions are necessary. Moving stallions about to promote breeding, on the other hand, ought not be done. Any such manipulation for above stated purpose would be counter to nature's greater purpose, which is to perpetuate the genes of the strongest males.

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This raises the question of how much manipulation of horses ought to be done at all. On page 149 of the EIS the "high level management" alternative contemplates a degree of grazing regulation and other manipulation to which I object. While I concede that on occasion it may be necessary to relocate a particular band due to unusual circumstances, I oppose this as standard practice. The high level management alternative also would authorize such activities as mineral exploration and timbering. These would be most intrusive and harmful to the herd. The point which seems to have been missed in this draft EIS is that the area has been specifically set aside for the wild horses that live here by an act of the Secretary of the Interior in 1969. This herd of mustangs ought not be managed under the multiple-use commitment designated for BLM lands in general. This herd of horses was protected prior to the passage of the Wild and Free-Roaming Horse and Burro Act and ought not be regulated in the same manner and to the same degree as horses that occur elsewhere.

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cont.

Rounding up horses too frequently is obviously an extravagance. The NAS Committee recommended, among other things, that herds be rounded up every few years rather than annually or semi-annually.

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Another proposal made in the draft EIS---to correct the current imbalance of mares to stallions in the Fryer Mountain herd---is one with which I concur. As a consequence of the misguided disposition of 60 stallions in the early 1970s, the sex ratio of this herd is now skewed to favor mares by 2:1. Normally, a herd would consist of roughly the same number of males and females. Obviously, by removing some breeding females and retaining males, rate of annual increase will be slowed down. Making this correction will also give a boost to the gene flow, allowing more exchange of genes among a greater number of stallions.

My only concern on this proposal is that the BLM may carry the idea too far and create a herd that is too "heavy to studs," as suggested by language on page 35. Not only would this disrupt normal social interactions in a species that has evolved a polygamous pattern of association, it might even threaten the long range survival of the Fryer Mountain herd. Skewing the sex ratio to favor studs---were this to be done in a limited way---would require that the BLM pay strict attention to the preservation of young age classes of females in order to safeguard future breeding. In any case, balancing the herd ought to be done and will pay off in many ways. It can be accomplished gradually through the disposition of females and the retention of males when reductions must be made.

347

A question arises whether a "wilderness" designation might not conflict with the present designation of the area as a wild horse range. Implicit in the draft EIS language is a hint that such might be the case. (page 160) For this reason I oppose any such a designation which could "reduce management options". At the same time I have conferred with Senator Henry Jackson's staff on this question and been assured that the horses' status will not be threatened by a wilderness classification. But since the question might have to be threshed out and would invite the involvement of conflicting interests who might oppose the wild horse range, I oppose this plan. Moreover, I believe the horses and other fauna in the Fryer Mountains would be increasingly disturbed by recreation seekers were the area to be proclaimed "wilderness."

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The draft EIS also proposes that seven miles of fencing be constructed. Where? And why? Fencing is extremely dangerous to wild animals. They become hung up or cut on the barbed wire. A Fryer Mountain stallion was severely wounded on an existing fence this spring and required help from the BLM as a result. Surely seven miles of fencing is not in the best interest of the herd. I am submitting a photograph of the injured stallion to underscore the hazards posed by fences.

A further request for 5 new water catchments amazes me. During the many years I have censused the wild horses, I have yet

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to see the two existing water catchments put to use. I should think that taxpayers would object to financing the construction of five more of these expensive devices which, heretofore, have only served to tense the horses with the snail of water that has been shut off to them. Moreover, water stored under the tarpaulin covers is not even available to the surrounding vegetation. I would need evidence that the RLM is putting existing water catchments to use before advocating that more money be spent for the construction of additional ones.

On the other hand, I firmly support the draft EIS proposal to purchase 2,240 acres of state and private land to be incorporated into the horse range. This land, I understand, is currently under lease by the BLM and is being used by the wild horses. I would hope that purchase of the land, which is being offered for sale, will be made promptly before it is sold to some other buyer.

Thank you for this opportunity to comment on the draft EIS.

I look forward to receiving a response to several of the questions I have raised and hope that the points I made will prove useful.

(1) enclosure

A photograph of the Pryor Mountain stallion injured by a wire fence will follow under separate mail.

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per head). This led the researchers (Rittenhouse et al., 1982) to conclude "... when comparing intake for horses and cows of approximately the same body sizes, reporting intake on a per body size basis may be more confusing than helpful." Utilization of nutrients (as measured by apparent digestion coefficients) was higher in cows than in horses, with the exception of protein that was digested more thoroughly by horses (44 percent versus 36 percent). Cows digested (cell wall constituents) such more extensively (65 percent) than did horses (53 percent). The rate of passage of food material through the alimentary tract of cows was considerably slower than through horses, hence the longer residence time of ingesta in cows partially accounted for the higher fiber digestion.

Theoretical concepts relating to consumption rates in equids and ruminants are discussed in considerable detail in the Phase I Report. Although some need further research, results from this study carry potentially important implications for wild horse management. Findings on consumption rates add support to the practice noted in the Phase I Report (see p. 97) of attributing an animal unit equivalent of 1.25 to mature horses. Although this value appears high in light of the current Colorado results (i.e., an average 14 percent greater forage consumption by horses), unreported evidence suggested that the 14 percent difference was conservative (L. R. Rittenhouse, personal communication, 1982). The difference appeared to hold over a fairly wide range of forage quality conditions.

The findings also raise the temptation to speculate on relative adaptive strategies of horses and cows. Differences in passage rates of ingesta would appear to confer an advantage on horses over cattle under poor forage conditions. For example, horses would appear to be able to consume more forage per day to compensate for the low nutrient concentrations, whereas cows (and other ruminants) would not. Horses are well equipped to extract the scarce quantities of dietary protein that are usually nutritionally limiting under such conditions. Behavioral attributes, such as the greater mobility of horses would also appear advantageous; they could quickly move to alternate areas when forage became scarce. However, the appropriate data to test hypotheses relating to competition definitively are still insufficient. This statement is not intended to detract in any way from the major contribution made by the Colorado researchers to our knowledge of nutrition and grazing ecology of horses and cows. The reader is encouraged to refer to their original report (Rittenhouse et al., 1982) for details.

Habitat Preference and Use The problem of making decisions on forage allocations to combined populations of horses and livestock, and of assessing competition between the two, is a more complex one than can be solved with measurements of dietary overlap alone. For, in an oversimplified case, if horses and cattle chose very different habitats on the basis of topography or vegetation type, there would obviously be no chance for interspecific competition even though they fed on the same plant species. And all of the available forage of take

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vegetation type of southeastern Oregon are fundamentally grass steppes.

Forage Consumption Rates and Animal Unit Equivalents Knowledge of the daily quantity of forage dry matter consumed by an animal of given size and physiological status (i.e., lactating, nonlactating) is a fundamental starting point for calculations of grazing capacity and is a factor in decisions for allocating the common forage reserve among various sympatric animal species. By virtue of anatomical differences in the configuration of the gastrointestinal tracts of horses and cattle, numerous researchers have theorized that a horse of a given size or body weight can consume more forage than a comparable-sized cow. Therefore, suspicion has existed that the standard procedure for calculating animal unit equivalents may be inappropriate for horses. This is discussed at length in the Phase I Report.

The accepted definition of an animal unit (AU) is a 455 kg (1,000 lb) cow or her equivalent (Society for Range Management, 1974). To convert among animal species, one merely divides the body weight (kg) of the animal in question by a factor of 455. The sophistication of this approach may be enhanced by using metabolic body weights, i.e., body weight (kg) raised to the fractional exponent of 0.75, divided by 455 also raised to the 0.75 power. However, the additional accuracy achieved by this procedure is open to question, and the use of simple body weights (i.e., weight to the power of 1) is the usual convention.

Since there is virtually no available literature concerning forage intake rates by the wild horses, the Colorado work by Rittenhouse and his associates (1982) was initiated during Phase II. These studies were conducted on a 460-ha tract of rangeland located some 8 km southwest of Durango, Colorado. Plant communities on the area included sagebrush-grass associations, open grassland parks, ponderosa pine woodlands, mountain meadows, and dense stands of gambel oak. Although no populations of feral equids are known in the general area, vegetation and topographic features are similar to those found on some of the other areas of the West where wild horses occur. Thus, some of the vegetation-related findings should be directly applicable to such areas. The more important question is the differences or similarities between horses and cattle occupying a common range, and results relating to this should be broadly applicable.

Findings were based on total fecal output measurements from animals equipped with fecal collection devices. These indicated that horses, on the average, consumed about 14 percent more forage dry matter (12.5 kg per head per day) than did cows (11.0 kg per head per day). However, a substantial difference of about 20 percent was noted between lactating mares (14.6 kg per head per day) and lactating cows (12.2 kg per head per day). Nonlactating mares and cows consumed 10.4 and 9.7 kg per head per day, respectively.

A surprising result of the Colorado research was that forage consumption by horses was not related to animal body size (weight), within the range of mature animal weights studied (367 kg to 578 kg

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Box 303

Brandy, Mt.

59072

July 3, 1983

Dear Mr. Jack,

I'm writing you because I understand that your office is considering expanding coal leasing in the Bull Mts. There we own and operate a ranch on Fatty Creek.

I do hope that expansion will not go further than what is needed to supply the Brandy area with coal. Having lived in this area for many years we've seen what a fragile area it is, how difficult it is to get

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cont.

things to grow once the natural growth is disturbed, and how the springs and creeks can fluctuate from season to season. Please give serious consideration to these things when you consider leasing this area.

Sincerely,
Kay Bedford
(Mrs. H.D. Bedford)

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cont.

to make profits at any cost to environment or to the local citizenry. I believe the government will protect me against anyone or anything seeking to destroy me or my way of life.

If I were convinced that strip mining coal in the Bull Mountains was essential to the best interests of my community, state, or nation, I would never write this letter but careful study has shown that is not the case.

Please do not let the coal interests with their gifted speakers destroy an area which they themselves have proven they cannot reclaim. Thank you.

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Sincerely,
Mary S. Brower

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Box 853
Reynolds, Montana 59702
June 29, 1983

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RES. T - LANDS
EXT. ED - BLM
ADM. FILE - ACTION
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Mr. Jerry Jack, Manager
B.L.M. Billings Resource Area
810 East Main
Billings, Montana 59101

Dear Mr. Jack:

I would like to take this occasion to tell you that I am opposed to strip mining in the Bull Mountains other than that being presently done by small operators who supply the coal needs of this area.

I have been a resident land owner since 1945 presently operating a 200 acre horse ranch in the Bull Mountains and teaching school at Reynolds High School. About seven or eight years ago a Mr. Perkins with the B.L.M. started the water and springs on our place and monitored them for a year or two. In the information he supplied we have 57 feet water wells at the corral and house which have supplied our water during all periods of heavy use with no problems. The spring and pond water has remained sweet & quality even in dry years including 1981/1982 years during a summer of severe drought. Mr. Perkins said strip mining on a large scale anywhere in this area would seriously jeopardize our water supply. Our wells would have to be drilled probably several hundred feet and one spring would disappear.

353

On the county election four several years ago to the consolidated local that got involved with us on the staff area ranch, we were shown the difficulty and expense of reclaiming the test areas because the top soil and vegetation in the Bull Mountain area is fragile and has been so designated by the State of Montana.

Since my father worked for a large oil corporation for 30 years, having the power structure well and, perhaps, our local opposition to these large companies is a known one. However, this is what I believe is a known one. Government has to be one and protect its only interests and will not aid and abet the big corporations in their desire

354

32-1

1215 House Blvd
Helena, Montana 59601
July 11, 1983

RECEIVED
BILLINGS RA
JUL 12 83
USDI
AM - RANGE - BLM
RES. T (OFF) - BLM
RES. T - LANDS
EXT. ED - BLM
ADM. FILE - ACTION
PLAN

Mr. Jerry Jack, Area Manager
Billings Resource Area
810 Main
Billings, Montana 59101

Dear Jerry Jack,

I am writing you to tell you that I am opposed to the sale of public lands.

I use public lands for recreation. This recreation consists of hunting, fishing and camping. I consider public lands to belong to me, my wife and two children and as part-owners we do not want any public lands to be sold. Sale of public lands will not reduce the public debt by any significant amount.

One of the most most aggravating things to find is protected, private land. I urge you to increase the total BLM land as coverage. I urge you to consolidate

32-2

land holdings so that the public value and public accessibility to BLM land is increased. This can be done by exchanging land and by purchasing additional land.

Wildlife needs all the help it can get. Don't sell the habitat needed by wildlife to live, nest, eat and reproduce.

Please study each individual piece of land being considered for sale and know its individual value. Please allow me as a member of the public to be in on the decision-making process.

355 Mr. Jack, I strongly urge you to increase the total BLM land acreage, to increase the public value and wildlife value of this land, and to increase the accessibility of this land to the public!

Yours truly,
David V. Arberg

34

July 12, 1983

Mr. Jerry Jack
Billings Resource Area
810 Main
Billings, MT 59101

Dear Mr. Jack;
I am a Montana resident who moved to this beautiful state because of its large amount of public lands. It really does surprise me that the federal government is even considering the sale of some of these public areas. I do understand that because of the "checkerboard" arrangement of some small plots, it makes it difficult to manage. So I would like to express my support of exchanging these lands with low public value for others with higher public value. Remember, our lands were set aside years ago for the future of our country. We can not allow the sale of these valuable resources for a "quick fix" to our national debt. Please do what you can to stop these proposals, and eliminating the opportunity for further subdivision of our lands. Thank you.

Melissa L. Tuemler
Melissa L. Tuemler
315 22nd St. N.
Great Falls, MT 59401

RECEIVED
BILLINGS RA

JUL 14 '83

DATE
BY
EXT. T. (OFF)
EXT. T. (ON)
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EXT. T. (OFF)
EXT. T. (ON)
EXT. T. (OFF)
EXT. T. (ON)

362 361 360

33

CLYDE A BRAY
1021 West 4th Street
LAUREL, MONTANA 59044

357 358 356
I oppose the sale of lands. I will accept administrative transfers when such transfers maximize public values and not just ease administration.
I support exchanging lands with low public values for other lands with higher public values.
Furthering the opportunity for subdivision of lands should never be a goal of public land disposal.
I believe that the BLM should conduct an assessment of each proposed tract to determine the resource value of the tract and its role in the maintenance of our wildlife and other natural resources. I insist on public involvement in each step of this program and will not accept using one Resource Area as a model for disposals in other areas of the state.

Clyde A. Bray

35

July 14, 1983

Dear Mr. Jack,

I am a recent citizen of Montana, having come from Utah. There is a good chance that I will spend the rest of my life here. I am happy that Montana is so big and clean and beautiful, and even wild in places, for some of the most worthwhile and enjoyable time I spend, I spend out of doors, backpacking, x-c skiing and fishing, or often just driving. In this respect all the west has a lot to offer, but Montana is especially favored. Since I came here at the first of the year, I have skied, fished, floated and hiked all through southwestern Montana. I have hiked in the Beartooth-Bearpaw Wilderness, the Bridgers, the Crazyes and the Tobacco Roots, floated the Jefferson and the Madison, wild x-c in the Bridgers, the Beartooths, the Gallatin and the Madison ranges, and fished the East Rosebud, the Stillwater, the Boulder, the Madison the Yellowstone and the Gallatin, as well as several lesser streams. In short, I take advantage of many forms of nondestructive outdoor recreational opportunities, and do so often.

I am sure you realize, as I do, how hard it is (impossible really) to get agreement on how much is too much and how little is too little on environmental and land use matters. Therefore, I wish only to express my sentiment to you, not to try to prove anything. In my opinion, the more outstanding scenic and recreational lands, and land rich in wildlife, that is kept intact and open to anybody like me who wants to take advantage of it without changing it, the better. I think that in a very real way each of us owns the whole earth.

To be somewhat specific: Please don't sell us short to the BLM, or any other corporation or industry!

Sincerely,

Bob Robinson

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BILLINGS RA

JUL 13 '83

DATE
BY
EXT. T. (OFF)
EXT. T. (ON)
EXT. T. (OFF)
EXT. T. (ON)
EXT. T. (OFF)
EXT. T. (ON)
EXT. T. (OFF)
EXT. T. (ON)

244

382

372

John C Brown and Lloyd Shelhamer
and I will give access on the river
front because down a few acres of
land on the B.M. river front they
can use by boat if the public
want to.

Your truly
Victor Ballou

40

SE 500 Grantsdale Road
Hamilton, MT 59840
July 12, 1983

RECEIVED
JUL 14 '83

USDI
AP RANGE DEN
RES. P (OVR) REC
RES. T LANDS
ENV. ED. WILDL
ADM. FILE ACTION
PLAN

Mr. Jerry Jack, Area Manager
Billings Resource Area
BIO Main
Billings, MT 59101

Dear Mr. Jack:

I am writing to oppose the sale of public lands - lands in which
I personally have a vested interest as a citizen of the United
States.

I can accept administrative transfers if these transfers maximize
public values, exchange of low public value properties for other
lands with higher public values. I am adamantly opposed to
subdivision of lands. I feel maintenance of our wildlife and
other natural resources is of primary importance.

Everyone in this United States needs some place to escape
and get back to nature and reassess the value of life in this
wonderful country. If you dispose of all our escapes - soon
we will be an "Endangered Species" ourselves - we will have
no breathing room left.

Yours truly,

Dorothy E. Palmer
DOROTHY E. PALMER

378 377

39

376 374
375 373

To: Michael Penfold

I am writing in regard to the
proposed BLM land disposals.

June 8, 1983

I oppose sale of these lands.

I would support exchanges of low public valued
land for higher public valued land.

I oppose subdivision of lands as a goal of
disposing of public lands.

Each proposed tract should be assessed of its
wildlife and natural resources.

Public involvement should also play a large part
of this program, for these are public lands!

Sincerely,

RECEIVED
JUL 15 '83
JUL 15 '83

CC:

Baucus
Williams
Malcher
Muller
Jack

USDI
A RANGE DEN
RES. P (OVR) REC
RES. T LANDS
ENV. ED. WILDL
ADM. FILE ACTION
PLAN

41

2006 Northridge Circle
Billings, MT 59102
JUL 14 '83



Dear Mr. Jack,

I am very much concerned
about strip mining in the Bull
Mountains.

As a landowner it is of
great concern, thinking of the
beautiful grass land, being
strip mined.

I feel this type of land
should never be mined, for
many different reasons.

The over burden is extensive
and would seem a great expense for
the coal company and such a waste.

I hope that you will give
this great thought before making a
decision. Thank you.

Fern Handy Laughery

379

42

1123 N. Broadway
Billings, Montana 59101
July 12, 1983

Jerry Jack
BLM District Manager
Billings Resource Area
810 E. Main
Billings, Montana 59101

Mr. Jack:

I am writing to express my opposition to further leasing of federally-owned coal in the Bull Mountains.

I grew up on a ranch in the coal area of the Bull Mountains and presently hold an interest in the family ranch corporation there.

Additional leasing of this coal is totally unwarranted. First, national demand for coal has decreased. Second, coal companies have already tied up leases far in excess of foreseeable coal production. Therefore, leasing more coal at this time makes little sense.

Furthermore, leasing the Bull Mountain coal for strip mining makes even less sense in view of the narrow seams, high overburden ratio, potential acid/mer damage, and the prospects for adequate reclamation of mined areas.

RECEIVED
BILLINGS RA

JUL 14 '83

DDI
AM RANGOR WIN
RES. T (000) REC
RES. T LANDS
ENV. ED. WILSON
ADM. FILE ACTION
PLAN

Sincerely,

Patricia Orth
Mrs. Patricia Orth

44

Waste Systems
BIRMINGHAM-TEXAS INDUSTRIES OF MONTANA INC
CITY OFFICIALS CO
BOX 848
MUSKOGEE, MT 59807

TO Mr. Jerry Jack

SUBJECT *Sale of Public Lands*

DATE 7/14/83

I am totally opposed to the sale of our public lands. My views are the same as those of the Montana Wildlife Federation.

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BILLINGS RA

JUL 14 '83

DDI
AM RANGOR WIN
RES. T (000) REC
RES. T LANDS
ENV. ED. WILSON
ADM. FILE ACTION
PLAN

SIGNED

*Max Roper Jr.
7350 American Ave.
Missoula, MT 59802*

43

RECEIVED
BILLINGS RA

JUL 14 '83

DDI
AM RANGOR WIN
RES. T (000) REC
RES. T LANDS
ENV. ED. WILSON
ADM. FILE ACTION
PLAN

July 12, 1983

Dr. James A. Pickard
P.O. Box 84
Wolf Point, Montana 59201

Mr. Jerry Jack
Area Manager
Billings Resource Area
810 Main
Billings, Montana 59101

Dear Mr. Jack:

I want my comments regarding public lands in general, and BLM lands in specific, to be a matter of record. I am totally opposed to the sale of any BLM lands. I would not oppose land exchanges which obtained land of more public value or consolidated BLM holdings to form larger public tracts. There should be an evaluation of each tract recommended for exchange with an opportunity for public comment.

Initially, these lands were proposed for sale as a means of reducing the national debt. The amount that could be raised is so insignificant, compared to the national debt, that this rationale has very little validity. The inescapable fact is that once these lands are sold, they are gone forever from public use. Public land is a large part of the heritage of the west.

I ask that you please act in the best interest of the majority of the American people and retain BLM and other public lands for our use and the use of future generations.

Sincerely,

James A. Pickard, O.D.
James A. Pickard, O.D.

CP:Jap

45

RECEIVED
BILLINGS RA

JUL 14 '83

DDI
AM RANGOR WIN
RES. T (000) REC
RES. T LANDS
ENV. ED. WILSON
ADM. FILE ACTION
PLAN

*P.O. Box 624
Roundup, MT
59072
July 13, 1983*

Dear Sir,

This letter is written to express our opposition to any strip mining of coal in the Bull Mountains.

We are senior citizens who have our life savings invested in our home which we built in the Bull Mts. and are afraid of what would happen to our water if strip mining was allowed. If our water became polluted or dried up, who would replace the well?

We understand that no coal mining was allowed here as the area was forested to provide shelter for sheep. These matters need attention. I hope you will help. Sincerely,
Mrs. Helen Belmont

46

RECEIVED
BILLINGS RA
JUL 14 83
AM RASCO WIN
RES. T (OPS) RES
RES. T LANS
EXT. CO LANS
ADM. FILE ACTION
PLAN

3639 Sourdough Road
Boreman, MT 59715
July 13, 1983

Mr. Jerry Jack, Area Manager
Billings Resource Area
810 Main
Billings, MT 59101

Dear Mr. Jack,

We are writing to express our strong opposition to the plan for disposing of public lands. This dangerous, short-sighted policy threatens the legacy of public lands that belong to all of us.

Enhancing opportunities for subdivision of lands should never be a goal of public land disposal. We have always enjoyed a sense of security about the management of our natural resources in this country under that management of the BLM. We have taught our children that preservation of public lands is an important legacy that we leave for them and that they in turn should leave for the next generation.

Of course, some transfers and exchanges have always taken place, but we assume they were done to maximize public values. Those being considered at present are, to the contrary, being done without regard for public values. The BLM should conduct an assessment of each proposed tract to determine the resource value of the tract and its role in the maintenance of our wildlife and other natural resources. Public involvement in each step of this program is essential.

We in Montana especially resent being used as an experimental model for lands disposal nationwide. Because of our low population density and consequently lower number of public watchdogs, there is a greater burden on each of us to speak out. Thank you for your very careful consideration of the importance of preserving our public lands.

Sincerely yours,

Michael K. Wells
Michael K. Wells
Phyllis J. Wells
Phyllis J. Wells

48

RECEIVED
BILLINGS RA
JUN 15 1983
Bureau of Land Management
State Capitol Building
Billings, MT 59101

June 13, 1983
2101 Fox Drive
Billings, MT 59102

To whom it may concern:
I would like to express my opinion about what the future of the South Hill should be. In my opinion this land should be set aside for a county park that all residents can enjoy. As Billings grows larger and more housing is built in the area the noise and dust from the current off road vehicle use will become increasingly intolerable. Now is the time to find an alternative site for off road vehicle use and preserve this wonderful piece of land for all the residents of Billings to enjoy. Thanks for the opportunity to express my thoughts.

Sincerely yours,

Bob Chamberlin
Bob Chamberlin

ROUTING	DATE	TIME	INITIALS
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3. C. J. Jungack

47

Box 347
Roundup, Montana 59072
June 27, 1983

RECEIVED
BILLINGS RA

JUN 30 83
AM RASCO WIN
RES. T (OPS) RES
RES. T LANS
EXT. CO LANS
ADM. FILE ACTION
PLAN

Jerry Jack
BLM Area Manager
Billings Resource Area
810 East Main St.
Billings, Montana 59101

Dear Sir:

I am writing as a concerned resident of the Bull Mountain, who is hearing growing rumors about strip mining for coal by various large corporations.

I feel strongly opposed to this potential for two reasons. First of all, I know from experience that coal mining in whatever form lowers the water table of the area. I am speaking from personal experience, since I was raised the first thirteen years of my life on a ranch sixteen miles south of Roundup on the old Billings highway. There were a number of small coal mines operating at the time including the Corleone Mine (now called the Blue Flame Coal Mine), and the P.M. Coal Mine, and our family coal mine, The Gildroy Coal Mine. I know our home could only function on two wells, both approximately 300 feet in depth. I can remember one well only being used for drinking and the other for watering purposes. It would run for ten minutes and shut off for an hour. I can never remember taking a bath in over six inches of water. My point is not to belabor my childhood but to state that wells in that area are a lot deeper than where I currently live, which is southwest of Roundup on West Perrot Creek. We have one of the deepest wells and it is only 155 feet deep with a seemingly abundant supply of water. But there is no mining, to this point, in the area.

The second point is that the Bull Mountain is a very dry area and ecologically fragile. The damage done all over the country by aggressive, hurried mining operations only leads me to believe that mining and the lowering of the water table could be very detrimental ecologically to this already vulnerable area. It may not be noticeable at first, but we do not know what kind of water crisis we could be creating for future generations.

To sum it up, my wife and I feel strip mining would be financially hard on the residents as far as new wells are concerned or drilling deeper ones and it would definitely be devastating to both wildlife and domestic livestock. We feel it is unfair for one major operation to disrupt and devalue the harmony of the community.

Sincerely yours,

Gordon Gildroy
Gordon Gildroy
Mary Ann Gildroy
Mary Ann Gildroy

49-1

RECEIVED
BILLINGS RA

JUL 25 83

AM RASCO WIN
RES. T (OPS) RES
RES. T LANS
EXT. CO LANS
ADM. FILE ACTION
PLAN

July 6, 1983

Bureau of Land Management
Billings Resource Area
810 E. Main
Billings, Montana 59105

Dear Sirs:

Concerning the BLM's Public Lands, we feel there is much misuse, due to lack of proper control and enforcement of present regulations. Off road vehicles do not stay on existing trails precipitating excessive erosion. Litter is contravened without regard to fellow recreationists. Trees have been illegally cut for firewood. In one instance, evidence shows where a tree was burned in situ, posing a serious threat to nearby vegetation and fenced in livestock. Water tanks and pumps have been shot up and parts have been stolen. A bull was shot to death about five years ago. Hunting is unsafe as there are so many hunters mixing with others.. such as hikers, motorcyclists, and horseback riders, in such a small area.

Due to the existence of these circumstances coupled with the rise in the nearby population and the ever increasing awareness of this tract of public land, we propose that a patrol officer be commissioned to control and enforce existing laws. We feel his presence would soon put an end to the

